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INTERACTION OF INTERNATIONAL  
ENVIRONMENTAL AND DEVELOPMENTAL  
INSTRUMENTS:  
THE CASE OF NATURE BASED TOURISM.

APPENDICES

Appendices I to VII

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Submitted by:  
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For the degree of Doctor of Philosophy

University of Durham

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## Appendix I

## LIST OF CONVENTIONS

- African (Banjul) Charter on Human and Peoples' Rights (1981)
- Convention sur la protection des Alpes (Convention alpine) (1989)
- Agenda 21 on Environment and Development (1992)
- Treaty for Amazonian Cooperation (1978)
- Protocol on Environmental Protection to the Antarctic Treaty (1991)
- Aarhus Convention, Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998)
- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa (1991)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)
- The Berlin Declaration on Biological Diversity and Sustainable Tourism (1997)
- Convention on Biological Diversity (1992)
- Charter for Sustainable Tourism (Lanzarote Declaration) (1995)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)
- International Covenant on Civil and Political Rights (1976)
- International Convention on Civil Liability for Oil Pollution Damage (1969)
- Convention concerning Indigenous and Tribal Peoples in Independent Countries (1989)
- United Nation Framework Convention on Climate Change (1992)
- Convention on Fishing and Conservation of the Living Resources of the High Seas (1958)
- European Landscape Convention (2000)
- Global Code of Ethics for tourism (1999)
- International Convention for Regulation of Whaling (1946)
- Malmo Ministerial Declaration (2000)
- Manila Declaration on the social impact of tourism (1997)
- The Montreal Protocol on Substances that Deplete the Ozone Layer (1990)
- Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral Resources (1977)
- Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention) (1992)
- The Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol) (1991)
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) (1971)
- Declaration on the Right to Development (UNGA Resolution A/RES/41/128) (1986)
- Rio Declaration on Environment and Development (1992)
- Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) (1972)

- United Nation Convention on the Law of Sea (UNCLOS) (199 )
- Vienna Declaration and Programme of Action on Human Rights (1993)
- Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992)
- World Charter for Nature (UNGA Resolution A/RES/37/7) (1982)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) (1972)
- World Summit on Sustainable Development, Plan of Implementation (WSSD) (2002)

## Appendix II

## Appendix II

### Principles of Draft Covenant on Nature Based Tourism

#### List of the principles

<b>Principle I</b>	Sovereignty over natural resources
<b>Principle II</b>	Preventive action
<b>Principle III</b>	Good neighbourliness and international cooperation
<b>Principle IV</b>	Intergeneration equality
<b>Principle V</b>	Intra-generation equality or equitable use of natural resources
<b>Principle VI</b>	Principle of common but differentiated responsibility
<b>Principle VII</b>	Integration of development and environment
<b>Principle VIII</b>	Precautionary Principle
<b>Principle IX</b>	Polluter-pays principle
<b>Principle X</b>	Principle of human rights
<b>Principle XI</b>	Principle of rights to development
<b>Principle XII</b>	Principle of poverty alleviation and equitable benefit sharing
<b>Principle XIII</b>	Principle of sustainability
<b>Principle XIV</b>	Principle of Sustainable use of Natural Resources
<b>Principle XV</b>	Principle of Conservation and Sustainable use of Biodiversity
<b>Principle XVI</b>	Principle of Careful Activities in Sensitive and Protected Areas
<b>Principle XVII</b>	Waste Disposal and Waste Management
<b>Principle XVIII</b>	Marine Pollution
<b>Principle XIX</b>	Principle of Carrying Capacity
<b>Principle XX</b>	Principle of obligatory restoration of disturbed ecosystem
<b>Principle XXI</b>	Principle of the restrained development of fragile ecosystems
<b>Principle XXII</b>	Principle of Common Natural Heritage
<b>Principle XXIII</b>	Principle of Cultural Heritage and Landscape
<b>Principle XXIV</b>	Principle of Preservation of cultural identity
<b>Principle XXV</b>	Principle of Spatial Planning
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<b>Principle XXXII</b>	Principle of sustainable transport development
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<b>Principle XXXV</b>	Principle of Development of Suitable Indicators
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<b>Principle XXXIX</b>	Principle of Environmental Awareness & educational
<b>Principle XL</b>	Clearing House Mechanism
<b>Principle XLI</b>	Principle of employment Environmentally Sound Technology
<b>Principle XLII</b>	Capacity Building and Technical Cooperation
<b>Principle XLIII</b>	National Institution and Administrative Capacity
<b>Principle XLIV</b>	Principle of International Cooperation
<b>Principle XLV</b>	Financial Resources
<b>Principle XLVI</b>	Principle of Compliance measures
<b>Principle XLVII</b>	Principle of dispute resolution

## Principle I

### Constitutional area

Principle of sovereignty over natural resources and the responsibility not to cause damage to the environment of other states or to areas beyond national jurisdiction

### Thematic priorities

This principle includes the sovereign rights of states over their natural resources, and the responsibility not to cause environmental damage.

### Background (Inhibiting factors)

United Nation General Assembly Resolution 1629 of 1961;

The fundamental principle of international law impose a **responsibility on all states** concerning action which might have harmful biological consequences for existing and future generations of people of other states, by increasing the levels of radioactive fallout.

United Nation General Assembly Resolution 1803 of 1962

**Rights** of peoples and nations to **permanent sovereignty over their national wealth and resources** must be exercised in the interest of their national development of the well-being of the people of the state concerned.

United Nation General Assembly Resolution 2849 of 1971

Each country has the **right to formulate**, in accordance with its particular situation and **in full enjoyment of its national sovereignty, its own national policy** on the human environment

Ramsar convention on protection of wetlands 1971, Article 2(3);

The inclusion of a wetland in the List does not prejudice the **exclusive sovereign rights of the Contracting Party** in whose territory the wetland is situated.

World Heritage Convention, 1972, Article 4, 6.1, 6.3, and 21d-e;

Each State Party to this Convention recognises that the **duty of ensuring the identification, protection, conservation, presentation and transmission to future generations** of the cultural

and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Whilst **fully respecting the sovereignty of the States** on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognise that such **heritage constitutes a world heritage** for whose **protection it is the duty of the international community** as a whole to cooperate.

Each State Party to this Convention **undertakes not to take any deliberate measures** which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Ensure that activities within their jurisdictions or control do not cause damage to the natural systems located within other States or in the areas beyond the limits of national jurisdiction;

Safeguard and conserve nature in areas beyond national jurisdiction.

United Nation General Assembly Resolution 3281 of 1974;

All states have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond the limits of national jurisdiction.

Basle Convention 1989, Preamble;

All states have the right to ban the entry or disposal of foreign hazardous wastes and other wastes in their territory.

Climate Change Convention 1992, preamble;

Reaffirming the principle of sovereignty of States in international cooperation to address climate change,

Convention on Biological Diversity, 1992, Article 15(1);

Recognising the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

CBD, 1992, Article 3;

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Stockholm Declaration, 1972, Principle 21;

States have, in accordance with the Charter of the United Nations and the principles of international law, the **sovereign right to exploit their own resources** pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Rio Declaration, 1992, Principle 2;

**States have**, in accordance with the Charter of the United Nations and the principles of international law, **the sovereign right to exploit** their own resources pursuant to their own **environmental and developmental policies**, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Barbados Declaration, 1994, Part I;

Small island developing States have sovereign rights over their own natural resources.

Global Code of Ethic, WTO, 1999, Article 5.1;

**Tourism resources** belong to the **common heritage of mankind**; the communities in whose territories they are situated have particular rights and obligations to them;

#### Existing proposals

Principle 3 of UNEP principle 1978;

To ensure that **activities within their jurisdiction** or control do not **cause damage** to the **natural systems** located within their other states or in areas **beyond the limits** of national jurisdiction.

Draft international Covenant on environment and development, IUCN, 2000, Article 11.1, 11.2, and 15.1;

States have, in accordance with the Charter of the United Nations and the principles of international law, **the sovereign right to utilise their resources** to meet their environmental and sustainable developmental needs, and the obligations:

- (a) To protect and preserve the environment within the limits of their national jurisdiction; and
- (b) To ensure that activities within their jurisdiction or control do not cause potential or actual harm to the environment of other States or of areas beyond the limits of national jurisdiction.

States have, in accordance with the Charter of the United Nations and principles of international law, **the right to protect the environment under their jurisdiction** from significant harm caused by activities outside their national jurisdiction. If such harm has occurred, **they are entitled to appropriate remedies.**

Each Party shall, without delay and by the most expeditious means available, notify potentially affected States and competent international organisations of any emergency originating within its jurisdiction or control, or of which it has knowledge, that it may cause harm to the environment.

#### Limitations

The UNGA Resolution 1803 of 1962 reflects the right to permanent sovereignty over national resources as an international legal right, and has been accepted by some international tribunals as reflecting customary international law<sup>1</sup>.

The principle of responsibility not to cause environmental damage has been accepted as a rule of customary international law. For example it was cited by ICJ on the Atmospheric Nuclear Tests case in the Pacific Ocean<sup>2</sup>

However, the principle of state sovereignty allows states, within limits established by international law, to conduct or authorise such activities as they choose within their territories, including activities which may have adverse effects on their own environment. Proposing any new international environmental law may cause resistance to the content of this Covenant which may be counterproductive.

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<sup>1</sup> Texaco Overseas Petroleum Co. and California Asiatic Oil Co. V. Libya, 53 I.L.R.389 (1977), Para.87 as well as Kuwait v. American Independent Oil Co, 21 I.L.M. (1982), 976.

<sup>2</sup> Australia and France, ICJ Rep. 1974, 253,289) and results the judge statement on which he expressed France should put an end to the deposit of radio-active fall-out on its territory.

## Final proposal

Parties have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right over their own natural resources and utilisation of them to pursue their environmental and sustainable developmental policies including nature based tourism. Parties have, within the limits of their jurisdiction, the obligation to protect and preserve their natural and cultural inheritance, in nature based tourism areas and not cause environmental and cultural damage to the areas beyond the limits of their national jurisdiction. (Stockholm Declaration, Principle 21; Rio Declaration, Principle 2, IUCN, UNEP Principle)

Parties have, in accordance with the Charter of the United Nations and principles of international law, the responsibility of ensuring the identification, rational and sustained utilisation, protection, conservation and transmission to future generations of nature based tourism areas situated in their territory and have the right to protect them from significant harm caused by activities outside their national jurisdiction. If such harm has occurred, they are entitled to appropriate remedies. (WHC article 21, IUCN)

Nature based tourism areas belong to the common heritage of mankind and parties shall undertake not to take any deliberate measures which might cause direct or indirect harm to the cultural and natural heritage of these areas. (WHC 6.3, WTO Code 5.1)

The inclusion of a nature based tourism area in the list this Article does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the area is situated. (Ramsar 2.3)

## Principle II

### Constitutional area

#### Principle of preventive action

### Thematic priorities

This principle requires prohibition of activities which do or will cause damage to the environment in violation of the standards established under the rules of environmental law. By this principle states seek to minimise environmental damages in the early stages and prevent damages to the environment within their own jurisdictions.

### Back ground (inhibiting factors)

Principle 6, 7,15,18,24 of Stockholm Declaration 1972;

The **discharge of toxic substances** or of other substances and the release of heat, in such quantities or concentrations **as to exceed the capacity of the environment** to render them harmless, **must be halted** in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of ill countries against pollution should be supported.

States shall take **all possible steps to prevent pollution of the seas** by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

**Planning** must be applied to **human settlements** and urbanization with a view **to avoiding adverse effects on the environment** and obtaining maximum social, economic and environmental benefits for all. In this respect projects which are designed for colonialist and racist domination must be abandoned.

**Science and technology**, as part of their contribution to economic and social development, must be applied to the **identification, avoidance and control of environmental risks** and the solution of environmental problems and for the common good of mankind.

International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit by all countries, big and small, on an equal footing. Cooperation through multilateral or bilateral arrangements or other appropriate means is essential to effectively

control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres; in such a way that due account is taken of the sovereignty and interests of all States.

Principle 11 and 14 of the Rio Declaration 1992;

States shall **enact effective environmental legislation**. Environmental standards, management objectives and priorities **should reflect the environmental and development context** to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

States should effectively cooperate **to discourage or prevent the relocation and transfer** to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health

UN Framework Convention on Climate Change 1992 Article 2;

**The ultimate objective of this Convention** and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that **would prevent dangerous anthropogenic interference with the climate system**. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Convention on Biological Diversity, 1992, preamble and Article 1;

Noting that it is vital to **anticipate, prevent and attack** the causes of significant reduction or loss of biological diversity at source,

**The objectives of this Convention**, to be pursued in accordance with its relevant provisions, are the **conservation of biological diversity**, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources,

European Union Treaty (Maastricht Treaty), 1992, Article 130r (2);

**Community policy on the environment shall aim at** a high level of protection taking into account the diversity of situation in the various regions of the community. It shall be based on the precautionary principle and **on the principles that preventative action** should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

Barbados Declaration, 1994, Part I;

Limited freshwater resources, increasing amounts of waste and hazardous substances, and limited facilities for waste disposal combine to make pollution prevention, waste management and the trans-boundary movement of hazardous materials critical issues for SIDS.

Council of Europe Recommendation No R (94) 7, 1994, Article 1;

The **principles of prevention, precautions and remedial action** allied with the need for sustainable development should **underlie any tourism development policy**.

#### Existing proposals

Draft international covenant on environment and development, IUCN, 2000, Article 6, 12.2 and 23;

**Protection of the environment** is best achieved by **preventing environmental harm** rather than by attempting to remedy or compensate for such harm.

All persons have a duty to protect and preserve the environment.

Parties shall **identify and evaluate substances, technologies, processes and categories of activities** which have or are likely to have **significant adverse effects on the environment**. They shall systematically survey, regulate or manage them with a view **to preventing any significant environmental harm**.

Tour Operators Initiative, UNEP, 2001, statement of commitment, Para 1.3;

We will strive to anticipate and prevent economic, environmental, social and cultural degradation. We will work towards integrating these considerations into our operations and activities.

#### Limitations

At present the application of the principle of preventative action is constrained, firstly by the lack of progress determining the types of activities which should be regulated under this principle, and the basis for enacting effective national legislation pursuant to the general requirement of principle 11 of the Rio declaration. As well as this, the close relationship of the principle of Sovereignty over natural resources and the responsibility not to cause damage to the environment of other states or to areas beyond national jurisdiction and the principle of scientific certainty as a base of preventive measures place limits on the widespread application of preventive action.

## Final proposal

The objectives of this Covenant, to be pursued in accordance with its relevant provisions and the principles of prevention and precautions, are identification, protection, conservation, rational and sustainable use of the natural and cultural components of nature based tourism areas and transmission to future generations and facilitate the widespread participation and involvement of the indigenous people and local communities as well as the fair and equitable sharing of the benefits arising from nature based tourism activities in these areas.(CBD, UNFCCC)

Nature based tourism policies shall aim at a high level of protection and shall be based on preventive actions and the precautionary and polluter pay principles to rectify the damage to nature based tourism areas at source. (Maastricht Treaty 130 r.2) Any nature based tourism development and planning should underlie the principles of prevention, precaution and remedial action. (EC Re 97.7)

Each State Party may be held responsible for significant harm to the environment resulting from its failure to carry out the obligations of prevention contained in this Covenant, in respect to its activities or those of its nationals. (IUCN, Article 50)

### Principle III

#### Constitutional area

Principle of Good neighbourliness and mutual cooperation

#### Thematic priorities

This principle articulated in the UN charter regarding social, economic and commercial matters has been translated into developmental and environmental cooperation. It observes the obligation of reciprocal and respectful behaviour and good faith of states over territorial integrity and sovereignty rights of other members of international society.

#### Back ground (inhibiting factors)

United Nations Charter, Article 74;

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, **must be based on the general principle of good-neighbourliness**, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Principle 24 of Stockholm Declaration 1972;

**International matters** concerning the **protection and improvement of the environment** should be handled in a **cooperative spirit by all countries**, big and small, on an equal footing. Cooperation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres; in such a way that due account is taken of the sovereignty and interests of all States.

Biological Diversity Article 5, 1992;

Each Contracting Party shall, as far as possible and as appropriate, **cooperate with other Contracting Parties**, directly or, where appropriate, through competent international organisations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, **for the conservation and sustainable use of biological diversity**.

Rio Declaration 1992; Principle 27;

States and people shall cooperate in **good faith** and in **a spirit of partnership** in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

Rio Declaration, 1992, Principle 19;

States shall provide prior and timely notification and relevant information to potentially affected states on activities that may have a significant adverse transboundary environmental effect and **shall consult with those States at an early stage and in good faith.**

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

Regional action (should) encourage the assessment and development of potential complementarities among small island developing States, including the **development of packaged options covering several islands and joint marketing and training programmes.**

Barbados Declaration 1994, part II Para II;

Through **regional and sub-regional cooperation**, SIDS and the international community should encourage strong functional cooperation in the promotion of sustainable development by **sharing information and technology, strengthening institutions and building capacity.**

Decision 4/16 of the CSD, 1996, Para 26;

The Commission notes the importance of regional cooperation in tourism and proposes that consideration be given to the development of common policy guidelines and standards at the regional level for the mutual benefit of SIDS.

UNGASS Declaration on SIDS, 1999, Para 8;

Welcome the continued efforts of the Alliance of Small Island Developing States in **promoting the interests and concerns** of SIDS, including in the implementation of the Programme of Action;

### Existing proposals

UNEP principles, 1978, Principle 7;

Exchange of information, notification, consultation and other forms of cooperation regarding shared natural resources are carried out on the basis of the principle of good faith and in the spirit of good neighbourliness.

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 21;

Adopt uniform incentives at the regional level to reduce competition among SIDS to attract foreign capital.

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 4 (E/CN.17/1999/6/Add.11);

In spite of the constraints encountered, many SIDS have established initiatives to balance tourism activities with broader economic, social and environmental objectives at the regional, national and local levels. In particular, major efforts have led to (a) the strengthening of regional cooperation on strategies, standards and capacity building for tourism, with the assistance of international institutions, the private sector and non-governmental organisations in the area of human and institutional capacity building;

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 24 (E/CN.17/1999/6/Add.11);

**National measures need to be supplemented** by measures at the **regional** level, including (a) the implementation of a sustainable marketing strategy at the regional level, and (b) the adoption of uniform incentives at the regional level to reduce competition among SIDSs to attract foreign capital. National and regional measures need to be supplemented by international measures, including (a) provision of international assistance for the development of basic physical infrastructures, such as airports and harbours, roads, telecommunications systems and freshwater systems to small island developing States, especially the least developed among them; (b) provision of assistance to regional tourism organisations in order to increase their effectiveness; and (c) formulation, ratification and enforcement of a universal or at least a regional code of conduct for the tourism sector at the intergovernmental level.

### Limitations

The extent and implications of this principle on environmental issues is unclear. The implementation of this principle for example on environmental impact assessment or information sharing may be considered by states as voluntary measures.

The Principle was argued during the court discussions between Hungary and Czechoslovakia in 1992 in the dispute over the Gabacikovo Dam and the proposed diversion of the Danube River. Hungary claimed that Czechoslovakia was in violation of its obligation to cooperate in good faith in the implementation of the principle affecting transboundary resources, including the obligation to negotiate in good faith and in the spirit of cooperation, to prevent dispute, to provide timely notification of plans to carry out or permit activities which may entail a transboundary interference or a significant or a significant risk thereof, and to engage in good faith consultations to arrive at an equitable resolution of the situation. (Chapter 9, 351-4; Original Hungarian application, 22 Oct.1992, Para 27, 29 and 30)

### Final proposal

Parties shall cooperate in good faith and in a spirit of partnership and based on the principle of good neighbourliness, to avoid useless competition and to develop potential complementarities at the regional and global level including the development of packaged options covering several destinations, joint marketing, adoption of uniform incentives for foreign capital, and training programmes by, inter alia, sharing information and technology, strengthening institutions and building capacity. (UN charter Art. 74, SIDS plan of action Part II, Barbados Dec. Part II, Rio Dec. 27)

Shared nature based tourism areas shall be the subject of close cooperation, including exchange of information, notification, consultation, and shared policy making and guidelines setting amongst concerned parties on the basis of the principle of good faith and in the spirit of good neighbourliness. (UNEP principle, CSD decision 4/16)

Each Party is liable for significant harm caused to the nature based tourism areas under the national jurisdiction of another party, as well as for injury to the tourism industry or persons resulting there from, caused by acts or omissions of its organs or by activities under its jurisdiction or control. (IUCN, Art. 48)

## **Principle IV**

### Constitutional area

The principle of intergeneration equality

### Thematic priorities

This principle applies to the need of natural resource conservation for the benefit of future generations.

### Back ground (inhibiting factors)

International Whaling Convention 1946 preamble

Recognises the interest of the nations of the world in safeguarding for future generations the great nature resources represented by whale stocks

World Heritage Convention 1972, Article 4;

Each State Party to this Convention recognises that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State.

CITES Convention 1973 preamble;

Recognising that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Stockholm Declaration 1972, principle 1;

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

UN general Assembly Resolution 35/8 of 1980, Para 1;

Proclaims the historical responsibility of State for the preservation of nature for present and future generation

UNCLOS, 1982, Preamble;

Recognising the desirability of establishing through this Convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilisation of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment,

Bearing in mind that the achievement of these goals will contribute to the realisation of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked,

Convention on Biological Diversity, 1992, preamble;

Determined to conserve and sustainably use biological diversity for the benefit of present and future generations,

Climate Change Convention 1992, Article 3(1);

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.

Rio Declaration 1992, principle 3;

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

UNGASS Declaration on SIDS, 1999, preamble;

Recognising that small island developing States share a common aspiration for economic development and improved living standards, and remain strongly committed to conserving the natural and cultural heritage upon which their future depends,

Global Code of Ethics, WTO, 1999, Article 3;

All the stakeholders in tourism development should safeguard the natural environment with a view to achieving sound, continuous and sustainable economic growth geared to satisfying equitably the needs and aspirations of present and future generations;

Malmö Declaration, 2000, preamble;

recognising, inter alia, the principle of common but differentiated responsibility as contained in the Rio Principles to manage the environment so as to promote sustainable development for the benefit of present and future generations,

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part I, Principle 4;

All persons have the right to an environment adequate to meet equitably the needs of present generations and that does not impair the rights of future generations to meet equitably their needs.

Draft international covenant on environment and development, IUCN, 2000, Article 5;

The freedom of action of each generation in regard to the environment is qualified by the needs of future generations.

#### Limitations

Many governments including some developing countries argue that by on employing natural and environmental resources to achieve sustainable economic growth for the present generation, the needs and aspirations of future generations will be met.

#### Final proposal

Parties shall be strongly committed to the conservation and rational, sound and sustainable use of nature based tourism areas to satisfying equitably the needs and aspirations of present and future generations. (UNGASS 22 on SIDS, preamble. and WTO Code Art.3)

Bearing in mind that the freedom of action of present generations to enjoy nature based tourism areas is qualified by the needs of future generations. (IUCN Art.5)

## **Principle V**

### Constitutional area

The principle of intra-generation equality or equitable use of natural resources

### Thematic priorities

The principle of equitable use of natural resources implies that use by one state must take into account the needs of other states. It is also applied to the allocation of shared natural resources, including marine and terrestrial resources such as freshwater, equitable participation of states in environmental organisations, and equitable distribution of the benefits of development

### Back ground (inhibiting factors)

Climate Change Convention 1992, Article 3(1);

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

Convention on Biological Diversity 1992, Article 1;

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

World Heritage Convention, 1972, Article 8(2);

Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

Amazonian Treaty, Preamble;

Inspired by the common aim of pooling the efforts being made, both within their respective territories as well as among themselves, to promote the harmonious development of the Amazon region, to permit an equitable distribution of the benefits of said development among the Contracting Parties

Rio declaration, 1992, principle 3;

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

Transboundary Watercourses Convention 1992, article 2(5) c;

Water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

#### Existing proposals

Convention on Biological Diversity 1992, Article 15(7);

Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilisation of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

#### Limitations

In many respects UNCED and the Rio Declaration as well as Agenda 21 is about equity. However, the lack of detailed international rules on equality could lead to a flexible meaning of this principle. Therefore, each international specialised instrument should take in to account its circumstances including its provisions, the context of its negotiation and adoption, and subsequent practice by organs or parties to establish specific equality rights and obligations, based on UNCED.

#### Final proposal

Each Party shall take legislative, administrative or policy measures, with the aim of sharing in a fair and equitable way the benefits arising from appropriate tourism development in the shared nature based tourism areas with other concerned parties including local and indigenous communities of all parties inhabiting in the area. Such sharing shall be upon mutually agreed terms. (CBD Art. 15.7)

## Principle VI

### Constitutional area

#### Principle of common but differentiated responsibility

### Thematic priorities

The principle of common but differentiated responsibility has its roots in the application of equity in general international law and contains the common responsibility of states for the protection of the environment at all levels as well as the need to consider differing circumstances regarding state's contribution to certain environmental problems and its ability to prevent, reduce or eliminate the threat.

### Back ground (inhibiting factors)

Stockholm Declaration, 1972, Principle 23;

Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

Rio Declaration, 1992, Principle 7;

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of **the different contributions** to global environmental degradation, **States have common but differentiated responsibilities**. The developed countries acknowledge the responsibility that they bear in the international pursuit to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

Climate Change Convention, 1992, Article 3(1);

The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

World Heritage Convention, 1972, preamble;

Natural and cultural heritages are part of the world heritage of mankind as a whole,

CBD, 1992, preamble;

Affirming that the conservation **of biological diversity** is a **common concern of humankind**

Barbados Declaration, 1994, Part I;

Small Island developing States **share with all nations** a critical interest in the protection of coastal zones and oceans against the effects of land-based sources of pollution.

Berlin Declaration, 1997, Para 6;

**All stakeholders** including governments, international organisations, the private sector and environmental groups should recognise their **common responsibilities to achieve sustainable forms of tourism.**

Malmö Declaration, 2000, preamble;

Convinced that urgent and renewed efforts are required to be undertaken by all countries in a **spirit of international solidarity**, and recognising, inter alia, **the principle of common but differentiated responsibility** as contained in the Rio Principles **to manage the environment** so as **to promote sustainable development for the benefit of present and future generations,**

World Summit on Sustainable Development, 2002, Chapter 2;

we commit ourselves to undertaking **concrete actions and measures at all levels** and to enhancing international cooperation, taking into account the Rio Principles, including, inter alia, **the principle of common but differentiated responsibilities** as set out in principle 7 of the Rio Declaration on Environment and Development.

#### Existing proposals

Draft international covenant on environment and development, IUCN, 2000, Article 3;

The global environment is a **common concern of humanity**

### Limitations

The principle of common but differentiated responsibility includes two elements. Common responsibility of states for the protection of the environment at national or global levels, and taking into account of differing circumstances in relation to each state's contribution to the creation of a particular environmental problems and ability to prevent, reduce or control the threats. Common responsibility is likely to apply where the resource is not properly of, or under the exclusive jurisdiction of, a single state. The differentiated responsibility of states for protection of the environment is widely accepted in treaty and other practice of states. It translates into differentiated environmental standards set on the basis of a range of factors, including special needs and circumstances, future economic development of developing countries, and historic contributions to causing an environmental problem. (Sands 1995)

### Final proposal

Reaffirming nature based tourism areas are part of the world heritage of mankind as a whole, (WHC preamble) and their conservation is a common concern of all, (CBD, preamble)

Parties shall facilitate the role of all stakeholders including local governments, international organisations, local communities, the tourism industry, NGO's and environmental groups on the management and decision-making process based on their common but differentiated responsibilities to achieve sustainability in nature based tourism areas.(Berlin Dec. Para 6, WSSD chapter 2)

## Principle VII

### Constitutional area

The principle of integration of development and environment

### Thematic priorities

This principle implies the need to ensure that environmental considerations are integrated into economic and other developmental needs and tools and vice-versa.

### Back ground (inhibiting factors)

UN General Assembly Resolution 2849 of 1971;

Development plans should be compatible with a sound ecology and that adequate environmental conditions can best be ensured by the promotion of development, both at the national and international levels.

Stockholm Declaration, 1972, principle 13, and 14;

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

**Rational planning** constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

Convention on Biological Diversity Article 1992, 6(b);

Each Contracting Party shall, in accordance with its particular conditions and capabilities: **Integrate**, as far as possible and as appropriate, the **conservation and sustainable use** of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Climate Change Convention 1992, 3(4);

The Parties have a right to, and should, promote sustainable development. Policies and measures to **protect the climate system** against human-induced change should be appropriate for the specific conditions of each Party and **should be integrated with national development**

**programmes**, taking into account that economic development is essential for adopting measures to address climate change.

Rio Declaration 1992, Principle 4;

In order to achieve sustainable development, **environmental protection** shall constitute an **integral part of the development process** and cannot be considered in isolation from it.

Amazonian Treaty 1987, preamble;

Considering that, so as to achieve overall development of their respective Amazonian territories, it is necessary to maintain a **balance between economic growth and conservation of the environment**, Conscious that both **socio-economic development** as well as **conservation of the environment** are responsibilities inherent in the sovereignty of each State,

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

National action, policies and measures (should) ensure that tourism development and environmental management are mutually supportive.

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

Regional action (should) ensure that tourism and the environment are mutually supportive in cooperation schemes at the regional level including, where appropriate, through harmonising standards and regulations.

Council of Europe Recommendation No R (94) 7, 1994, Article 2;

**Every planned tourism activity or development** should be geared to **sustainable development** and its **impact on the environment** should be assessed; environmental considerations should be integrated into the decision-making process from the start of the project.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-a;

National authorities should develop national strategies for sustainable and environmentally-friendly development

22<sup>nd</sup> Special Session of UN General Assembly on SIDS, 1999, preamble of Declaration;

Recalling that small island developing States are recognised as a special case for **both environment and development** because they are ecologically fragile and vulnerable, and because they face particular constraints in their efforts to achieve sustainable development and because their specific physical circumstances often create difficulties in benefiting from global economic development and thus achieving sustainable development.

Charter for Sustainable Tourism, 1995, Lanzarote, Para 2;

**Tourism** should contribute to **sustainable development and be integrated with the natural, cultural and human environment**; it must respect the fragile balances that characterise many tourist destinations, in particular small islands and environmentally sensitive areas. Tourism should ensure an acceptable evolution as regards its influence on natural resources, biodiversity and the capacity for assimilation of any impacts and residues produced.

22<sup>nd</sup> Special Session of UN General Assembly on SIDS, 1999, Para 1 of Declaration;

Welcome the efforts by SIDS to implement the commitments of the Programme of Action for the Sustainable Development of SIDS and the support of the international community, and **notes that these efforts have been affected** by financial and other resource constraints and **by global economic and environmental factors**;

19<sup>th</sup> UNGASS, Resolution 1997, A/S.19-2, 1997, Tourism part;

Tourism is now one of the world's largest industries and one of its fastest growing economic sectors. The expected growth in the tourism sector and the increasing reliance of many developing countries, including small island developing States, on this sector as a major employer and contributor to local, national, sub regional and regional economies highlights **the need to pay special attention to the relationship between environmental conservation and protection and sustainable tourism.**

Decision 4/16 of the CSD, 1996, Para 25;

The Commission recognises the continued importance of tourism as one of only a few development options for many SIDS, both as a dynamic sector and as one that can stimulate growth in others.

Berlin Declaration, 1997, Para 1;

Tourism activities should be environmentally, economically, socially and culturally sustainable. Development and management of tourism activities should be guided by the objectives, principles and commitments laid down in the Convention on Biological Diversity.

Global Code of Ethics, WTO 1999, Article 3;

All the stakeholders in tourism development should **safeguard the natural environment** with a view to **achieving sound, continuous and sustainable economic growth** geared to satisfying equitably the needs and aspirations of present and future generations;

World Summit on Sustainable Development, 2002, Chapter 23;

Human activities are having an increasing impact on the integrity of ecosystems that provide essential resources and services for human well-being and economic activities. Managing the natural resources base in a sustainable and integrated manner is essential for sustainable development. In this regard, to reverse the current trend in natural resource degradation as soon as possible, it is necessary to implement strategies which should include targets adopted at the national and, where appropriate, regional levels to protect ecosystems and to achieve integrated management of land, water and living resources, while strengthening regional, national and local capacities.

#### Existing proposals

World Charter of Nature, 1982, Principle 6, 7, and 8;

In the decision-making process it shall be recognised that man's needs can be met only by ensuring the proper functioning of natural systems and by respecting the principles set forth in the present Charter.

In the planning and implementation of social and economic development activities, due account shall be taken of the fact that the conservation of nature is an integral part of those activities.

In formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognising that this capacity may be enhanced through science and technology.

Draft Declaration of Principles of Human Rights and the Environment, 1994, Preamble;

Recognising that sustainable development links the right to development and the right to a secure, healthy and ecologically sound environment,

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part I, Principle 1;

Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible.

UNEP Draft Principles, 2000, Para 1.a and 2.c;

Ensure that **tourism is balanced with broader economic, social and environmental objectives** at national and local level by setting out a national tourism strategy that is based on knowledge of environmental and biodiversity resources, and is integrated with national and regional sustainable development plans      Enhance **prospects for economic development and employment while maintaining protection of the environment.**

Ensure that **tourism and the environment are mutually supportive** at a regional level through cooperation and coordination between States, to establish common approaches to incentives, environmental policies, and integrated tourism development planning.

Quebec Declaration, 2002, Recommendation 48;

Recognise the need to apply the principles of sustainable development to tourism, and the exemplary role of ecotourism in generating economic, social and environmental benefits;

Draft international covenant on environment and development, IUCN, 2000, Article 4;

**Peace, development, environmental protection and respect for human rights** and fundamental freedoms **are interdependent.**

### Limitations

The main issue here is the overlap between the integration principle and the principle of rights to development. The need to carefully balance those two important and some times confronting principles of international law is matter for concern in many international negotiating forums.

The integration approach is applied to the collection and dissemination of environmental information; the undertaking of environmental impact assessments, green conditionality in international development assistance, and adoption of differentiated legal commitments on the basis of states responsibility and capacity to respond to environmental requirements.

### Final proposal

Parties shall balance nature based tourism development with broader economic, social and environmental objectives by integrating it into relevant sectoral or cross-sectoral plans, programmes and policies at national and local levels to enhance prospects for economic development and employment of the local community while maintaining protection of the environment of nature based tourism areas.(CBD, 6.b, UNEP Draft 1.a)

Each party shall adopt an appropriate strategy to ensure nature based tourism development is ecologically sound, environmentally friendly, and recognises that nature based tourism development and environmental management are mutually supportive. (EC Re.94.7, POA of SIDS)

Recognising the development, protection of the environment and cultural diversity, and fundamental human rights including the right to rest and leisure are interdependent, and emphasising the need to apply the sustainable development principles to nature based tourism and its exemplary role in generating economic, social and environmental benefits. (Quebec Dec. 48, IUCN, 4)

## Principle VIII

### Constitutional area

#### Precautionary Principle

### Thematic priorities

The precautionary principle provides guidelines in the development and application of international environmental law where there is scientific uncertainty,

### Back ground (inhibiting factors)

Vienna convention on ozone depletion 1985, preamble;

The parties recognise the **precautionary measures** taken at the national and international levels

Montreal protocol 1987, Preamble;

Determined to protect the ozone layer by **taking precautionary measures** to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge,

Bergen Ministerial Declaration on Sustainable Development in the ECE Region 1990, Para 7;

In order to achieve sustainable development, policies must be based on the **precautionary principle**. Environmental measures must **anticipate**, prevent and attack the causes of environmental degradation. Where there are threats of **serious or irreversible** damage, **lack of full scientific certainty** should not be used as a reason for **postponing measures** to prevent environmental degradation.

Bamako Convention 1991, Article 4(3) f;

Each Party shall strive to **adopt and implement the preventive, precautionary approach** to pollution problems which entails, inter-alia, preventing the release into the environment of substances which may cause harm to humans or the environment **without waiting for scientific proof** regarding such harm. The Parties shall cooperate with each other in taking the **appropriate measures to implement the precautionary principle to pollution prevention** through the application of **clean production methods**, rather than the pursuit of a permissible emissions approach based on assimilative capacity assumptions;

Transboundary Watercourses Convention 1992, article 2(5) a;

**The precautionary principle**, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand;

Convention on Biological Diversity 1992, Preamble;

Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimise such a threat,

Climate Change Convention 1992, Article 3(3);

The Parties should take precautionary measures to anticipate, prevent or minimise the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost.

Rio Declaration 1992, principle 15;

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Maastricht Treaty 1992, amendment of Article 130r (2) of the EEC treaty;

**Community policy on the environment shall aim at** a high level of protection taking into account the diversity of the situation in the various regions of the community. **It shall be based on the precautionary principle** and on the principles that preventative action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

Council of Europe Recommendation No R (94) 7, 1994, Article 3;

In principle, no permission should be given for any project having a significant environmental impact without evidence of its environmental, economic and financial viability. However, if this cannot be proven, other considerations may be taken into account, such as the project's contribution to socio-cultural development.

Malmö declaration, 2000, Article 2;

The evolving framework of international environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day. It must be underpinned by a more coherent and coordinated approach among international environmental instruments. We must also recognise the central importance of environmental compliance, enforcement and liability, and promote the observation of **the precautionary approach as contained in the Rio Principles**, and other important policy tools, as well as capacity building.

#### Existing proposals

Draft international covenant on environment and development, IUCN, 2000, Article 7;

**Lack of scientific certainty** is no reason to postpone action to avoid potentially serious or irreversible harm to the environment.

#### Limitations

The new interpretation of the precautionary approach would shift the burden of proof and require the polluters or pollution states to establish that their activities and the discharge of certain substances would not adversely or significantly affect the environment **before they were granted the right to** release the potentially polluting substances or **carry out the proposed activity**. It is also **require** international regulatory action where the scientific evidence suggested that lack of action may result in serious or irreversible harm to the environment.

However, some, mostly environmentalists, believe that the precautionary approach provides the basis for early international legal action to address highly threatening environmental issues such as ozone depletion and climate change as well as biodiversity. Others argue that the potential which the principle has the potential for overregulation and limiting human activity, even though within environmental agreements the threshold is varied.

Birnie, P. and Boyle, highlighted that despite its attractions, the great variety of interpretations given to the precautionary principle, and the novel far-reaching effects of some applications means that, this has not yet been accepted as a principle of international law. Difficult questions concerning the point at which it becomes applicable to any given activity remain unanswered and seriously undermine its normative characters and practical utility. However support for the principle does indicate a policy of greater prudence on the part of those states willing to accept it<sup>3</sup>.

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<sup>3</sup> Birnie, P. and Boyle A. International law and protection of the environment, Oxford 1992

Bodansky believes; it is appropriate to take a cautious attitude towards the precautionary principle. We may wish to adopt it as a general goal but it would be a mistake to believe it resolves the difficult problems of international environmental regulation and prevent new hazards from emerging in the future<sup>4</sup>.

Freestone asked whether it be reasonable to presume that a state which has today participated in the endorsement of the precautionary principle in a particular sector would be held liable in the future for causing harm by activities in that sector which today are strongly suspected to cause substantial harm?<sup>5</sup>

Cameron pointed out that; I cannot share in the concern about the principle in respect of vagueness and /or generality. The precautionary principle is a general principle. To say so says nothing about its legal effect. At the international level it is not intended to be a command and control type regulatory standard. Secondary legislation, whether at the national or international level is needed to take the principle and apply it to a particular procedure or discipline. Again, this does not in any ways deny its legal effects as a general principle. My reservations concern the universality of the principle. It might be argued that developing countries who are not parties to many of the agreements referred to below may be less likely to accept the binding nature of the principle than, say the Nordic countries. From my point of view UNCED was the crystallizing moment in the development of the principle from one that was emerging as to one that is legally binding<sup>6</sup>.

#### Final proposal

Parties shall introduce measures inspired by the precautionary principle to prevent and minimise damage caused by nature based tourism to biological diversity and cultural inheritance. This shall include measures to facilitate EIAs of new developments, monitor and control tour operators, nature based tourism facilities and activities, and tourists in nature based tourism areas (UNEP Draft 2.3, Berlin Dec. 4) to rectify the environmental damage at source (Maastricht treaty 130r 2) and to prevent potentially more serious harm to the area. (IUCN Art. 7, UNEP Draft 2.5)

Noting that in the case of a threat of serious or irreversible damage in a nature based tourism area, lack of full scientific certainty should not be used as a reason for postponing cost- effective measures to avoid or minimise such a threat. (CBD, preamble Rio Dec. Principle 15, Bergen Dec. Para 7)

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<sup>4</sup> Bodansky, D. 1991. Proceeding of the American Society of International law

<sup>5</sup> Freestone, D. precautionary principle, chapter 2, International law and Global Climate change 1991, Graham and Trotman/ Martinus Nijhoff

<sup>6</sup> Cameron, James, International Precautionary principle, 1994, Earth scan

Parties shall not authorise the implementation of any projects having significant environmental impact in nature based tourism areas without a balanced approach toward an environmental, economical, financial viability and socio-cultural contribution.(EC, Re 94.7 Art. 3)

## Principle IX

### Constitutional area

#### Polluter-pays principle

### Thematic priorities

The Principle contains the requirement that the costs of pollution should be borne by the person or state responsible for causing the pollution and consequential damage costs.

### Back ground (inhibiting factors)

Convention on Civil Liability for Oil Pollution, 1969, Article III (1); and V (1-2);

The owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph (above)

Convention on Civil Liability for Oil Pollution, 1977, Article 6(4);

The operator shall not be entitled to limit his liability if it is proved that the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result.

World Charter for nature, 1982, preamble;

Recognition the right of individuals to participate in decision-making and **have access to means of redress when their environment** has suffered damages or degradation

Alps Convention, 1991, Article 2(1);

Les Parties contractantes, dans le respect des **principes de précaution, du pollueur payeur et de coopération**, assurent une politique globale **de préservation et de protection des Alpes** en

prenant en considération de façon **équitable les intérêts de tous les Etats alpins**, de leurs régions alpines ainsi que de la Communauté économique européenne tout en utilisant avec discernement les ressources et en les exploitant de façon durable. La coopération transfrontalière en faveur de l'espace alpin est intensifiée et élargie sur le plan géographique et thématique.

UN/ECE Trans-boundary Waters Convention, 1992, Article 2(5) b;

The polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;

Climate Change Convention, 1992, Article 4(2) a;

Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognising that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), 1992, Article 2(2) b;

The polluter pays principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter.

European Union Treaty (Maastricht Treaty), 1992, Article 130r (2);

**Community policy on the environment shall aim at a high level of protection taking into account the diversity of situation in the various regions of the community. It shall be based on the precautionary principle and on the principles that preventative action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.**

Malmö Declaration, 2000, Article 11;

A greater commitment by the private sector should be pursued to **engender a new culture of environmental accountability through the application of the polluter-pays principle**, environmental performance indicators and reporting, and the establishment of a precautionary approach in investment and technology decisions.

#### Existing proposals

CSD7 multi-stakeholders dialogue, 1999, Para 27, and 30;

While not all participants endorsed “eco-taxes”, there was support for appropriate pricing of resources, aimed at reflecting the true costs of goods and services. Industry should, in particular, pay its fair share to maintain the natural and cultural assets that tourists wanted to utilise.

Participants supported the **polluter pays principle**. While many participants noted that subsidies could impose costs on the local community, several noted that subsidies could also be beneficial.

CSD7 inter-sessional ad-hoc working group, chairman summary E/CN.17/1999/20, Para 18 and the SG report E/CN.17/1999/5, Para 72;

The use of economic instruments to promote sustainable tourism, in particular the full-costing and pricing of energy and water can promote eco-efficiency in the tourism industry as well as provide additional revenue that can be used to support improved management of these resources. In this regard, the polluter-pays principle and user-pays systems are appropriate and should be more widely applied and supported.

Draft international covenant on environment and development, IUCN, 2000, Article 11.6;

Parties shall apply the principle that the costs of preventing, controlling and reducing potential or actual harm to the environment are to be borne by the originator.

#### Limitations

Some states, taking into account Principle 16 of the Rio Declaration, are of the view that the content of polluter pays principle is applicable at the domestic level but does not govern international relations and responsibility. Because the application of the principle is vast and open to interpretation, it is difficult to relate to particular cases and situations. Some eminent publicists on international environmental law such as Sand believe it nevertheless has attracted broad support and relates closely to the rules governing civil and state liability for environmental damage. It is doubtful whether it (Principle) has achieved the status of a generally applicable rule

of customary international law, except perhaps in relation to states in the EC, the UN/ECE and the OECD. (Sands, Philippe Principle of international environmental law, 1995, Manchester University press)

However in practice a variety of procedures for the application of this principle have been proposed including;

- i. Taxes and charges; The EC commission proposal is to harmonise the introduction in the EC member states of a tax on specific fuel products based on CO<sub>2</sub> emissions. [EC commission proposal for a Council Directive introducing a tax on Carbon Dioxide Emission and energy, COM (92) 226 final, 1992, Article 1(1), 9(1), 1(2), 3(1), 3(2), 11 and 15(1)]
- ii. Tradable permits; Regions or utilities are granted a limited number of tradable pollution rights. [US Clean Air Act amended in 1990, supplement III USC (1991)]
- iii. Deposit-refund mechanism; It requires a refundable deposit to be paid on potentially polluting products like batteries. It is frequently used at a national level but has not yet been used internationally.
- iv. Trade measures; they are designed to influence behaviour by limiting the availability of market places or making market availability dependent upon participation in an international regulatory agreement.
- v. Consumer incentives; It sets out mechanisms such as eco labelling or eco-auditing to capitalise on consumer sensitivity to environmental considerations when purchasing services or products.
- vi. Enforcement incentives; including non-compliance fees to penalise polluters for exceeding prescribed environmental standards, and preference bonds that is a refundable payment to relevant authorities to comply with prescribed levels.

#### Final proposal

Each Party shall cease activities causing significant harm to the nature based tourism area under its jurisdiction (*or shared control with other parties*) and shall, as far as practicable, re-establish the situation that would have existed if the harm had not occurred. Where that is not possible, the Party of the origin of the harm shall provide appropriate remedy for the harm including measures for rehabilitation, restoration or reinstatement of habitats of particular conservation concern, research and capacity building, and contribution to socio-cultural development. International organisations (*particularly funds providers*) should carefully examine the process of remedy to rectify the damages caused by the party in order to consider it for further technical and financial assistance.

Each Party shall be liable for any damage to the shared nature based tourism area as a result of an act or omission by the same party, done deliberately with actual knowledge that damage would result. Appropriate compensation should be paid to the concerned parties based on the polluter pays principle and practical international law and procedures. (Convention on Oil pollution Arts.3, 5, 6)

The tourism industry, particularly tour operators, shall be pursued to create a new culture of environmental accountability through, inter alia, the application of the polluter pays principle. Appropriate compensation and remedy shall be made on the application of the polluter pays principle to the nature based tourism area harmed by the originator in the tourism industry. Parties should also reconsider their cooperation and operation with the originator of harm and, based on the extent of damage; take collective measures through COPs or regional arrangement. (Malmo Dec. Art. 11, IUCN Art. 11.6)

Where a Party suffers such harm caused in part, (*but not caused by third party or an inevitable natural phenomenon*) by its own negligence or that of persons under its jurisdiction or control, the extent of any redress or the level of any compensation due may be reduced to the extent that the harm is caused by negligence of that Party or persons under its jurisdiction or control. (IUCN Art. 49)

## Principle X

### Constitutional area

#### Principle of human rights

### Thematic priorities

“Human rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as a human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other.” – Kofi Annan, Secretary-General of the United Nations

### Back ground (inhibiting factors)

International Covenant on Civil and Political Rights, 1966, Articles 1(1) and 6(1):

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Stockholm declaration, 1972, preamble Para 1 and Principle 1;

Man is both creature and moulders of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. **Both aspects of man's environment, the natural and the man-made, are essential to his well-being** and to the enjoyment of **basic human rights the right to life** itself.

Man has the **fundamental right to freedom, equality and adequate conditions of life**, in an environment of a quality that permits a life of **dignity and well-being**, and he bears a solemn **responsibility to protect and improve the environment** for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

African Charter, 1981, Article 24;

**All people shall have the right to general satisfactory environment** favourable to their development

San Salvador Protocol to African Charter of Human Rights, 1988, Article 11;

Everyone shall have the **right to live in a healthy environment** and have access to basic public services. The **state parties shall promote the protection, preservation and improvement of the environment.**

Convention concerning Indigenous and Tribal People, 1989, Articles 2, 3, 4(1) and 7(4) and 15(1);

Governments shall have the **responsibility** for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect **the rights of these peoples and to guarantee respect for their integrity.**

Indigenous and tribal peoples shall enjoy the **full measure of human rights and fundamental freedoms** without hindrance or discrimination.

Special measures shall be adopted as appropriate for **safeguarding** the persons, institutions, property, labour, **cultures and environment** of the peoples concerned.

Governments **shall take measures**, in cooperation with the peoples concerned, **to protect and preserve the environment of the territories they inhabit.**

The **rights of the peoples** concerned to the **natural resources** pertaining to their lands shall be specially **safeguarded**. These rights include the **right** of these peoples to participate in the **use, management and conservation of these resources.**

UNGA resolution 45/94, 1990,

All individuals are entitled to live in an environment adequate for their health and well-being.

Rio Declaration, 1992, Principles 1, 3, 10,

**Human beings are at the centre of concerns** for sustainable development. They are entitled to a **healthy and productive life** in harmony with nature.

The **right to development** must be fulfilled so as to equitably **meet developmental and environmental** needs of present and future generation

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate **access to information concerning the environment** that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to **participate in decision-making processes**. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to **judicial and administrative proceedings**, including **redress and remedy, shall be provided**. (Three fundamental human rights, right of access to environmental information, right of effective access to judicial and administrative proceeding including redress and remedy, right to development to meet environmental needs)

Barbados Declaration, 1994, Part I Para3;

Full attention should be given to gender equity and to the important role and contribution of women, as well as to the needs of women and other major groups, including children, youth and indigenous people.

Manila Declaration, 1997, Principle 7;

Further mobilise local and international support to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups;

Decision 7/3 of CSD7, 1999, Para 3(j), and 4(f);

The Commission urges **Governments** to take strong and appropriate action, through the development and enforcement of **specific legislation/measures**, against any kind of illegal, **abusive or exploitative tourist activity**, including **sexual exploitation/abuse**, in recognition of the fact that such activities have particularly adverse impacts and pose significant social, health and cultural threats, and that all countries have a role to play in the efforts to stamp them out;

The Commission calls upon the **tourism industry** to distance itself publicly from illegal, abusive or exploitive forms of tourism;

Global Code of Ethics, WTO, 1999, Article 2 and 6.3;

The **exploitation of human beings in any form**, particularly sexual, especially when applied to children, should be energetically combated with the cooperation of all the States concerned and penalised without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad;

Tourism professionals, so far as this depends on them, should contribute to the cultural and spiritual fulfilment of tourists and allow them, during their travels, **to practise their religions**;

Global code of Ethics, WTO, 1999, Article 2.2 and 2.3;

Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, the handicapped, ethnic minorities and indigenous peoples;

The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad;

Global code of Ethics, WTO, 1999, Article 8.3 and 9.1, 2, 3;

Tourists and visitors should benefit from the same rights as the citizens of the country visited concerning the confidentiality of the personal data and information concerning them, especially when these are stored electronically;

The fundamental rights of salaried and self-employed workers in the tourism industry and related activities, should be guaranteed under the supervision of the national and local administrations, both of their States of origin and of the host countries with particular care, given the specific constraints linked in particular to the seasonality of their activity, the global dimension of their industry and the flexibility often required of them by the nature of their work;

Salaried and self-employed workers in the tourism industry and related activities have the right and the duty to acquire appropriate initial and continuous training; they should be given adequate social protection; job insecurity should be limited so far as possible; and a specific status, with particular regard to their social welfare, should be offered to seasonal workers in the sector;

Any natural or legal person, provided he, she or it has the necessary abilities and skills, should be entitled to develop a professional activity in the field of tourism under existing national laws; entrepreneurs and investors - especially in the area of small and medium-sized enterprises - should be entitled to free access to the tourism sector with a minimum of legal or administrative restrictions;

Malmö Declaration, 2000, Article 19;

Greater emphasis must be given to the **gender perspective in decision-making** concerning the management of the environment and natural resources.

World Summit on Sustainable Development, 2002, Chapter 5;

Peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Preamble;

Reaffirming the universality, indivisibility and interdependence of all human rights,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Deeply concerned by the severe human rights consequences of environmental harm caused by poverty, structural adjustment and debt programmes and by international trade and intellectual property regimes,

Concerned that **human rights violations lead to environmental degradation** and that **environmental degradation leads to human rights violations**,

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part I, Principle 1 and 2;

Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible.

All persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible.

Draft Principles on Human Rights and the Environmental procedural Rights, 1994, Sub-commission on the prevention of discrimination and protection of minorities, the Commission on Human Rights, ECOSOC, Human Rights and Environment report, 1994, UN Doc. E/CN.4/Sub.2/1994/9, p. 59;

Conception of the Human Rights and environment in the view of rapporteur of the sub-commission;

- freedom from pollution, environmental degradation, and activities that adversely affect the environment, or threaten life, health livelihood, well-being, or sustainable development;
- protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential process and areas necessary to maintain biological diversity and ecosystems;
- the highest attainable standard of health;
- safe and healthy food, water, and working environment;
- adequate housing, land tenure, and living conditions in secure, healthy and ecologically sound environment;
- ecologically sound access to nature and the conservation and sustainable use of nature and natural resources;
- preservation of unique sites;
- enjoyment of traditional life and subsistence for indigenous peoples, (Boyle & Birnie, 2000, International law & the environment, Page255)

Aarhus Convention, 1998, 4<sup>th</sup> UNECE ministerial meeting, UN doc ECE/CEP/43, preamble;

Recognising that adequate protection of the environment is essential to human well-being and the enjoyment of basic human rights, including the right to life itself,

Recognising also that every person has the right to live in an environment adequate to his or her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations,

Considering that, to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters, and acknowledging in this regard that citizens may need assistance in order to exercise their rights,

The SG report E/CN.17/1999/5, 1999, Para33, and 52;

Tourism enterprises should support activities that provide **employable skills** to children at an **employable age** and to their families, and implement innovative programmes to ensure adequate and **full employment of breadwinners**. Within their organisations they can also implement responsible tourism **marketing and advertisement** and create awareness among tourism personnel on the rights of women and children.

The international community should further mobilise international support to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups. The World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, adopted a programme of action designed to contribute to the global effort to suppress child sex exploitation. In 1997, the Amsterdam Child Labour Conference issued the Amsterdam Declaration, which addressed the most intolerable forms of child labour, while in the same year the International Conference on Child Labour issued the Oslo Declaration, which addressed the issue of practical action to eliminate child labour. Governments, the tourism industry, trade unions and stakeholders should support these international efforts to end such practices in the tourism sector.

CSD7 multi-stakeholders dialogue, 1999, chairman summary E/CN.17/1999/20 Para 9;

Although tourism has significant economic benefits for many countries and communities, it also has adverse social and economic impacts in many locations. Concerns, in this context, included leakage of revenues, low wages, poor working conditions, **child labour, and sex tourism**. Participants emphasised the need to reinvest in local communities, to encourage procurement of local products and services, to promote vocational training and education, and **to eliminate the sexual and economic exploitation of women and children**.

Inter-sessional ad-hoc working group on sustainable consumption and on tourism, co-chairman summary E/CN.17/1999/20 Para 28;

There is a need for further efforts to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups. Some delegations felt that both sending and receiving countries had roles to play in combating this serious negative impact of international tourism.

Quebec Declaration, 2002, Preamble;

Accept the need to avoid discrimination between people, whether by race, gender or other personal circumstances, with respect to their involvement in ecotourism as consumers or suppliers,

Draft international covenant on environment and development, IUCN, 2000, Article 12.1;

Parties undertake to achieve progressively the full realisation of the right of everyone to an environment and a level of development adequate for their health, well-being and dignity.

## Limitations

The advancement of International environmental law in building upon existing civil and political rights and developing new obligations has been significant, whilst economic and social rights remained within states practices. National and international tribunals sometimes appear reluctant to interpret and apply such rights. Many believe translating general economic and social rights into specific environmental standards are never an easy task. Because of this, and because of its impact on sustainable nature based tourism, most background codes within this principle concentrate on this relationship.

Therefore, the practical application of economic and social rights to environmental rights requires the determination of minimum acceptable international standards in order that environmental conditions do not fall below such minimums. These standards are being developed, particularly at a regional level, to establish minimum standards of water and air quality. Such standards may be used appropriately for the violation on individual rights.

However, the need to integrate some fundamental concepts of the 1948 UNDHR and the 1966 International Covenant on Economic and Social Rights (ICESR) to environmental rights is inevitable. These include the right to a standard of living adequate for health and well-being (Article 25, UNDHR), the right to the highest attainable standard of health (Article 12(1, 2) ICESR), the right of all people to freely dispose of their natural wealth and resources (Article 1(2), ICESR), safe and healthy working conditions and protection of children against social exploitation (Article 7(b) and 10(3), ICESR), the right to enjoy benefits of scientific progress (Article 15(1,b), ICESR). Environmental degradation could be linked to the violation of each of the above mentioned rights.

## Final proposal

Reaffirming the universality, indivisibility and interdependence of all human rights, (IUCN preamble)

Concerned that human rights violations lead to environmental degradation and that environmental degradation leads to human rights violations, (IUCN Preamble)

Recognising that human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible and humankind has the right to enjoy a secure, healthy and ecologically sound environment (IUCN 1, 2)

Accept the need to avoid discrimination between people, whether by race, gender or other personal circumstances, with respect to their involvement in nature based tourism activities as consumers or suppliers, (Quebec Dec. Preamble)

Parties shall ensure that local and indigenous communities enjoy, and *exercise* the principles of fundamental human rights including the right of access to environmental information, the right of effective access to judicial and administrative proceedings as well as the right to participate in the decision-making process, and the right to development. Greater emphasis must be given to the gender equality and the important role of women including within the decision-making process concerning nature based tourism activities. (Rio 10, Malmo Dec. Art 19, endogenous convention Art. 7.4)

Parties shall pay special attention to fulfil and respect the essential human rights of indigenous and local communities in nature based tourism areas and related areas to food, a safe and clean environment, work, health and education and maintain in balance the developmental needs with these and other social and cultural rights. (CBD-Doc 1.13)

Parties shall fully recognise the right of indigenous and local communities to an environment and a level of development adequate for their health, well-being and dignity as well as respect of cultural diversity. (IUCN 12.1)

Exploitation and abuse of vulnerable groups at the destination conflicts with the fundamental aim of nature based tourism and shall be prevented by all possible means. Parties shall energetically combat such acts, particularly sexual exploitation of women and children, and take appropriate and collective measures to penalise perpetrators. (WTO Art.2) To this end, the tourism industry shall;

- Support international efforts and implement international instruments to end the abuse of women and children abuse in the tourism sector.( SG report E/CN.17/1999/5 Para 52 )
- Implement responsible tourism marketing and advertisement and create awareness among tourists and tourism personnel on the rights of women and children. (SG report E/CN.17/1999/5 Para 33)
- Support activities to provide employable skills to children at an employable age and implement innovative programmes to ensure adequate and full employment of breadwinners.
- Take appropriate measures to prevent and ban the economic exploitation of vulnerable groups particularly women and children

The tourism industry, with close cooperation of parties, shall guarantee the fundamental rights of salaried and self-employed workers in nature based tourism activities and they should be provided with adequate social protection and job security. (WTO Art. 9.1 & 9.2)

Hosts and guests have the equitable right to benefit from the principles of individual right in the destinations including the right of the confidentiality of personal data and information (WTO Art. 8.3).

## Principle XI

### Constitutional area

#### Principle of rights to development

### Thematic priorities

From the developmental point of view human rights are meant to inform and guide development policies. Human development is only meaningful and sustainable when designed to ensure the realisation of human rights.

### Back ground (inhibiting factors)

UNGA resolution and Declaration on the Rights to Development, 1986, 41/128, Article 1;

The **right to development** is an **inalienable human right** by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.

The human right to development also implies the full realisation of the **right of peoples to self-determination**, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Vienna Convention on Human Rights, 1993 8, 10, and 11,

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. ...The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

10. The World Conference on Human Rights reaffirms the **right to development**, as established in the Declaration on the Right to Development, **as a universal and inalienable right** and an integral part of fundamental human rights.

As stated in the Declaration on the Right to Development, the human person is the central subject of development.

While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognised human rights.

States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realisation of the right to development and the elimination of obstacles to development.

Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

11. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognises that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone.

Rio Declaration 1992, Principle 3;

The **right to development must be fulfilled** so as to equitably meet developmental and environmental needs of present and future generations.

Convention on Biological Diversity 1992, Preamble;

Recognising that economic and social development and poverty eradication are the first and overriding priorities of developing countries,

Convention on Biological Diversity 1992, Article 20(4)

The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

Climate Change Convention 1992, Preamble;

Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Climate Change Convention 1992, Article 4(7);

The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

Barbados Declaration 1994, part II Para I

**Based on the principle of the right to development**, small island developing States should, in accordance with their own priorities, endeavour to achieve the goals of sustainable development by, inter alia, formulating and implementing policies, strategies and programmes that take into account development, health and environmental goals, strengthening national institutions, and mobilizing all available resources, all of which are aimed at **improving the quality of life**.

Barbados Declaration 1994, part I Para 2;

Sustainable development programmes must seek to enhance the quality of life of peoples, including their health, well-being and safety.

World Summit on Sustainable Development, 2002, Chapter 5;

Peace, security, stability and respect for human rights and fundamental freedoms, including **the right to development**, as well as respect for cultural diversity, are **essential for achieving sustainable development and ensuring that sustainable development benefits all**.

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Preamble;

Guided also by the Declaration on the **Right to Development, which recognises that the right to development is an essential human right** and that the **human person** is the **central subject of development**,

Recognising that **sustainable development links the right to development** and the right to a secure, healthy and ecologically sound environment,

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 3 (E/CN.17/1999/6/Add.11);

The main objectives of the promotion of tourism as a growth sector are to accelerate the growth of national incomes, gainful employment, foreign exchange earnings and government tax revenues.

Draft international covenant on environment and development, IUCN, 2000, Article 8;

The exercise of the **right to development** entails the obligation **to meet the developmental and environmental needs of humanity in a sustainable and equitable manner.**

#### Limitations

The industrial countries, especially the USA shared a long-standing opposition to the rights to development and consider it a goal rather than a right. The USA is the only state which voted against the 1986 UNGA resolution on the Declaration on rights to development.

The developing countries were concerned that international environmental regulations in the 1990s would undermine their future development. on the undermining their future development by international environmental regulation in 1990s.

#### Final proposal

Parties, guided by the Declaration on the Right to Development, which recognises that the right to development is an essential human right and that the human person is the central subject of development, reaffirm the need to fulfil the principle of right to development to meet equitably the environmental and developmental requirements of nature based tourism areas and its inhabitants. (Draft Dec. of human rights and environment preamble, WSSD Chapter 5)

## Principle XII

### Constitutional area

Principle of poverty alleviation and equitable benefit sharing

### Thematic priorities

This principle considers the need for equitable benefit sharing in nature based tourism and its affects on the eradication of poverty in the destinations as one of the goals of sustainable development governance.

### Back ground (inhibiting factors)

Rio Declaration, 1992, Principle 5, 8, and 12;

All States and all people shall cooperate in the essential task of **eradicating poverty** as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate **demographic policies**.

States should cooperate to promote a **supportive and open international economic system** that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

Council of Europe Recommendation No R (94) 7, 1994, Article 6;

Tourism should be developed so that in addition it benefits the local community, provides support for the local economy and takes account of the latter's ability to absorb development. Wherever possible, it should encourage employment of the local workforce and use local materials and traditional skills;

Charter for Sustainable Tourism, Lanzarote, 1995, Para 8;

All options for tourism development must serve effectively to improve the quality of life of all people and must entail a positive effect and inter-relation as regards socio-cultural identity.

Manila Declaration, 1997, Principles 2, and 25 as conclusion;

Improve people's **standard of living through tourism** by providing economic and social opportunities for wider participation and, wherever possible and acceptable, dispersal of tourism activities and destinations to outlying areas to increase rural incomes;

Decision 7/3 of CSD7, 1999, Para 5a;

The Commission invites, as appropriate, Governments and major groups, as well as the United Nations system, ( ) to consider undertaking the following initiatives and to keep the Commission on Sustainable Development informed on progress achieved:

(a) 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;

Decision 7/3 of CSD7, 1999, Para 4g;

The Commission calls upon the tourism industry:

(g) To meet or preferably exceed relevant national or international labour standards.

Global Code of Ethics, WTO, 1999, Article 9.2 and 5.2;

Salaried and self-employed workers in the tourism industry and related activities have the right and the duty to acquire appropriate initial and continuous training; they should be given **adequate social protection; job insecurity should be limited so far as possible**; and a specific status, with particular regard to their social welfare, should be offered to seasonal workers in the sector;

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;

Decision 7/3 of CSD7, 1999, Para 3f;

The Commission urges Governments to maximise the potential of tourism for **eradicating poverty** by developing appropriate **strategies in cooperation with all major groups**, and indigenous and local communities;

Malmö Declaration, 2000, preamble and Article 7, and 25;

Conscious that the root causes of **global environmental degradation** are embedded in social and economic problems such as **pervasive poverty**, unsustainable production and consumption patterns, inequity in distribution of wealth, and the debt burden,

To confront the underlying causes of **environmental degradation and poverty**, we must integrate **environmental considerations in the mainstream of decision-making**. We must also intensify our efforts in developing preventive action and a concerted response, including national environmental governance and the international rule of law, awareness-raising and education, and harness the power of information technology to this end. All actors involved must work together in the interest of a sustainable future.

We can **decrease poverty by half by 2015** without degrading the environment, we can ensure environmental security through early warning, and we can better integrate environmental consideration in economic policy . We commit ourselves to realizing this common vision

World Summit on Sustainable Development, 2002, Chapter 41 (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.

World Summit on Sustainable Development, 2002, Chapter 2, 6, and 6 (e);

**Poverty eradication**, changing unsustainable patterns of production and consumption, and protecting and managing the natural resource base of economic and social development are overarching objectives of, and **essential requirements for, sustainable development**.

**Eradicating poverty is the greatest global challenge facing the world today** and an indispensable requirement for sustainable development, particularly for developing countries. Although each country has the primary responsibility for its own sustainable development and poverty eradication and the role of national policies and development strategies cannot be overemphasised, concerted and concrete measures are required at all levels to enable developing

countries to achieve their sustainable development goals as related to the internationally agreed poverty-related targets and goals,

Develop policies and ways and means to improve access by indigenous people and their communities to economic activities, and increase their employment through, where appropriate, such measures as training, technical assistance and credit facilities. Recognise that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities

World Summit on Sustainable Development, 2002, Chapter 64 and 64 (a);

Support Africa's efforts to attain sustainable tourism that contributes to social, economic and infrastructure development through the following measures:

Implementing projects at the local, national and sub-regional levels, with specific emphasis on marketing African tourism products, such as adventure tourism, eco-tourism and cultural tourism;

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Preamble;

Deeply concerned by the severe human rights consequences of environmental harm caused by poverty, structural adjustment and debt programmes and by international trade and intellectual property regimes,

Agenda 21 for the Travel and Tourism, 1996, Part II Principle 8;

Ensure that all members of the community have access to employment and promotional opportunities within the company.

The SG report E/CN.17/1999/5, 1999, Para 22, and 43;

The challenge for national Governments is to identify ways in which tourism activity can be spread more evenly throughout the year. In this regard there is also scope for national Governments to assist tourism organisations of all kinds in assessing and responding to the changing nature of the international demand for tourism, for example by developing alternative forms of tourism.

Attention should also be directed to the seasonal nature of employment in many tourist destinations with the aim of creating alternative employment opportunities during the low season, including the provision of job security and social safety nets.

Tour Operator Initiatives, UNEP, 2001, statement of obligations, Para 1.2;

We recognise that tourism can contribute to the viability of local economies. We also recognise that tourism can have negative impacts on the economy, environment, nature, social structures and local cultures. In the long-term interest of host communities and of our industry, we will endeavour to prevent or minimise these impacts.

UNEP Draft Principle, 2000, Para 2.a;

Ensure that (tourism) plans create and share employment opportunities with local communities.

The European Charter for sustainable tourism in protected areas, 1995, Principle 5;

Tourism in protected areas shall contribute to the local economy by promoting local jobs and using local products or skills. Special care should be taken so that a balance is maintained between the benefits arising from tourism and other sectors which play a key role in maintaining the environment. Tourism may offer additional activities for some traditional economic sectors.

Quebec Declaration, 2002, Preamble;

Recognise further that many of these areas are home to peoples often living in poverty, who frequently lack adequate health care, education facilities, communications systems, and other infrastructure required for genuine development opportunity,

Affirm that different forms of tourism, especially ecotourism, if managed in a sustainable manner can represent a valuable economic opportunity for local and indigenous populations and their cultures and for the conservation and sustainable use of nature for future generations and can be a leading source of revenues for protected areas,

Quebec Declaration, 2002, Preamble;

Understand that small and micro businesses seeking to meet social and environmental objectives are key partners in ecotourism and are often operating in a development climate that does not provide suitable financial and marketing support for ecotourism,

Recognise that to improve the chances of survival of small-, medium-, and micro enterprises further understanding of the ecotourism market will be required through market research,

specialised credit instruments for tourism businesses, grants for external costs, incentives for the use of sustainable energy and innovative technical solutions, and an emphasis on developing skills not only in business but within government and those seeking to support business solutions,

Quebec Declaration, 2002, Recommendation 32;

(Private sector should) Ensure an equitable distribution of financial benefits from ecotourism revenues between international, outbound and incoming tour operators, local service providers and local communities through appropriate instruments and strategic alliances;

Draft international covenant on environment and development, IUCN, 2000, Article 9, 13.1 and 27;

**The eradication of poverty**, which in particular necessitates a global partnership, is an **indispensable requirement for sustainable development**.

Parties shall pursue sustainable development policies aimed at the eradication of poverty, the general improvement of economic, social and cultural conditions, the conservation of biological diversity, and the maintenance of essential ecological processes and life-support systems.

Parties, with the assistance of and in cooperation with other States and international organisations as appropriate, shall seek to take measures which will, directly or indirectly, contribute to the eradication of poverty, including measures to:

- (a) Enable all individuals to achieve **sustainable livelihoods**;
- (b) Promote **food security** and, where appropriate, **food self-sufficiency** in the context of **sustainable agriculture**;
- (c) Rehabilitate degraded resources, to the extent practicable, and promotes **sustainable use of resources for basic human needs**;
- (d) Provide **potable water and sanitation**; and
- (e) Provide **education**.

#### Limitations

The main constraint in this principle is how national authorities should balance the conservation and sustainable use of natural resources without significant harm to the lifecycle and environment

while enhancing welfare standards and quality. In the lack of such balanced approach the poverty will increase environmental degradation and via versa.

#### Final proposal

Reaffirming that poverty eradication, changing unsustainable patterns of production and consumption, and protecting and managing the natural resource base of economic and social development are overarching objectives of, and essential requirements for, sustainable development. (WSSD Chp.2) With this in mind, encourage parties to maximise the potential of nature based tourism for eradicating poverty, introducing a sustainable pattern of production and consumption and promoting rational and sustainable use of natural resources by developing appropriate strategies in cooperation with all major groups, and indigenous and local communities;(CSD 7/3, 3f)

Affirming that sustainable nature based tourism can represent a valuable economic opportunity for local communities, by the conservation and sustainable use of nature for present and future generations and by directing sources of revenue for the nature based tourism areas. (Quebec Dec. preamble)

Parties shall develop nature based tourism policies to increase the benefits of the local community, to encourage employment of the local workforce, to use local material, products and traditional skills, to provide support for the local economy, to prepare the ground for the latter's ability to absorb development (EC Re. 94.7 Art. 6), to disperse activities to outlying areas to increase rural incomes (Manila Dec.2), to entail positive effects on and maintain the socio-cultural identity of the destination,(Lanzarote charter Para 8), to encourage cooperation of major groups at all levels, to promote linkages within the local community to facilitate a wider spread of benefits, (CSD 7/3, 5a) to provide additional activities for some traditional economic sectors such as handicrafts (European charter for sustainable tourism Para 5), to maintain essential ecological processes and life-support systems, and to eradicate poverty and achieve sustainable livelihoods for all individuals living in and around nature based tourism areas (IUCN 27)

Parties shall provide sufficient facilities to conduct research on the nature based tourism market, specialised credit instruments for nature based tourism businesses, grants for external costs, incentives for sustainable use of water and energy, and innovative technical solutions to improve the compatibility of small and medium size enterprises.(Quebec Dec. preamble)

Parties shall ensure that nature based tourism activities secure tangible benefits of the local community including; job creation viable revenue from the levying of appropriate fees, and income-generating opportunities for small and medium-sized businesses. (Internal CBD-Document, 1.8)

The tourism industry shall set out appropriate measures to ensure an equitable distribution of financial benefits from nature based tourism revenues between international, outbound and incoming tour operators, local service providers and local communities (Quebec Dec. 32).

## **Principle XIII**

### Constitutional area

#### Principle of sustainability

### Thematic priorities

This principle addresses the need of harmonisation amongst four major principles of sustainable development, inter and intra-generation principles, integration of development and environment, and principle of sustainable use of natural resources, to achieve sustainable development goals.

### Back ground (inhibiting factors)

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The international community and SIDS should pursue and support (the) Enhancement of sustainable tourism and sustainably managed tourism operations through the adoption of appropriate regulations, a voluntary code of conduct, criteria for best practices, and other innovative measures;

Council of Europe Recommendation No R (94) 7, 1994, Article 4;

Tourism development should be totally or partially self-financing where possible, with the emphasis on achieving or building on sustainability.

.Berlin Declaration, 1997, Article 6;

All stakeholders including governments, international organisations, the private sector and environmental groups should recognise their common responsibilities to achieve sustainable forms of tourism

Charter for Sustainable Tourism, 1995, Lanzarote, Para 1;

Tourism development shall be based on criteria of sustainability, which means that it must be ecologically bearable in the long term, economically viable, as well as ethically and socially equitable for the local communities. ....A requirement of sound management of tourism is that the sustainability of the resources on which it depends must be guaranteed.

### Existing proposals

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 20 (E/CN.17/1999/6/Add.11);

In order to orient tourism and island development towards sustainability new criteria, instruments and lines of action must be created and implemented, taking into account tourism carrying capacity.

The SG report E/CN.17/1999/5, 1999, Para 22, 43, and 62;

The challenge for national Governments is to identify ways in which tourism activity can be spread more evenly throughout the year. In this regard there is also scope for national Governments to assist tourism organisations of all kinds in assessing and responding to the changing nature of the international demand for tourism, for example by developing alternative forms of tourism.

Attention should also be directed to the seasonal nature of employment in many tourist destinations with the aim of creating alternative employment opportunities during the low season, including the provision of job security and social safety nets.

Sustainability of tourism is a challenge to all tourism enterprises, regardless of their size or market orientation, and is not limited to certain niche markets such as ecotourism.

Agenda 21 for the Travel and Tourism, 1996, Part I Principle 7;

Sustainable tourism destinations will only come into being when all products are designed with environmental, cultural, and socio-economic criteria in mind.

UNEP Draft Principles, 2000, Para 3.a;

Provide support through policy development and commitment to promote sustainability in tourism and related activities.

Quebec Declaration, 2002, Preamble;

Recognise that ecotourism has provided a leadership role in introducing sustainability practices to the tourism sector,

Emphasise that ecotourism should continue to contribute to make the overall tourism industry more sustainable, by increasing economic and social benefits for host communities, actively

contributing to the conservation of natural resources and the cultural integrity of host communities, and by increasing awareness of all travellers towards the conservation of natural and cultural heritage,

Recognise the cultural diversity associated with many natural areas, particularly because of the historical presence of local and indigenous communities, of which some have maintained their traditional knowledge, uses and practices many of which have proven to be sustainable over the centuries,

Quebec Declaration, 2002, Recommendation 20, 26;

Bear in mind that for ecotourism businesses to be sustainable, they need to be profitable for all stakeholders involved, including the projects' owners, investors, managers and employees, as well as the communities and the conservation organisations of natural areas where it takes place;

Ensure that the supply chain used in building up an ecotourism operation is thoroughly sustainable and consistent with the level of sustainability aimed at in the final product or service to be offered to the customer;

#### Limitations

The harmonisation of economic activities and environmental consideration in fragile ecosystems should be taken into consideration in nature tourism activities. These activities should be cop with the carrying capacity of the destination pay sufficient attention to the cultural and social concerns.

#### Final proposal

Recognising common responsibilities to achieve sustainable forms of nature based tourism through policy development and commitment to promote and manage sustainability in tourism and related activities (Berlin Dec. Art. 6, UNEP draft 3.a, UNGASS-22).

Nature based tourism shall be based on criteria of sustainability. To this end;

- It must be ecologically bearable in the long term, economically viable, as well as ethically and socially equitable for the local communities. (Charter for sustainable tourism, 1)
- Appropriate measures shall be taken to ensure a spread of tourists throughout the year and taking into account tourism carrying capacity at the destinations in high season. (SG report, E/CN.17/1999/5)
- All products in nature based tourism areas shall be designed with local environmental, cultural, and socio-economic criteria in mind; (Agenda 21 for Travel & tourism, 7)
- It shall increase economic and social benefits for host communities;

- It shall actively contribute to the conservation of natural resources and the cultural integrity of host communities;
- It shall increase awareness of guests towards the conservation of the natural and cultural heritage of the area;
- It shall be profitable for all stakeholders involved (Quebec Dec. preamble, 20).

## Principle XIV

### Constitutional area

The principle of sustainable use of natural resources

### Thematic priorities

The principle of sustainable use of natural resources aims to explore natural resources in a sustainable, appropriate, rational, or prudent manner. Its approach is to focus on the adoption of standards governing the rate of use of natural resources rather than their preservation for future generation.

### Back ground (inhibiting factors)

International Whaling Convention 1946, preamble;

Recognising that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

International Whaling Convention 1946, Article V (2);

These amendments of the Schedule shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the **conservation, development, and optimum utilisation of the whale resources;**

Convention on fishing and conservation of the living resources of the High Seas, 1958, Article 2;

As employed in this Convention, the expression 'conservation of the living resources of the high seas' means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

African Nature Convention 1968, Preamble;

Utilisation of all natural resources must aim at satisfying the needs of man according to the carrying capacity of the environment

Amazonian Treaty, 1978, Article I and VII;

The Contracting Parties agree to undertake joint actions and efforts to promote the harmonious development of their respective Amazonian territories in such a way that these joint actions produce equitable and mutually beneficial results and achieve also the preservation of the environment, and the conservation and rational utilisation of the natural resources of these territories.

Taking into account the need for the exploitation of the flora and fauna of the Amazon region to be rationally planned so as to maintain the ecological balance within the region and preserve the species,

Stockholm Declaration 1972, Principle 3, 5, and 13;

The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

World Commission on Environment and Development, Legal Principle, Para (i);

Management of human use of a natural resource or environment in such a manner that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations. It embraces preservation, maintenance, sustainable utilisation, restoration and enhancement of a natural resources or the environment.

The report of caring for Earth: A strategy for Sustainable Living, 1991, UNEP, IUCN, WWF;

Sustainable development means improving the quality of human life while living within the carrying capacity of supporting ecosystems. (Environmental Protection, Sue Elworthy & Jane Holder, page 140)

Climate Change Convention 1992, Article 3(4); to be checked

The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

Convention on Biological Diversity 1992, Preamble, Articles, 1, and 2;

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner, Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential, Noting that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

CBD, 1992, Article 10b;

Each Contracting Party shall, as far as possible and as appropriate: (b) Adopt measures relating to the use of biological resources to avoid or minimise adverse impacts on biological diversity;

Nairobi Convention 1985, Article 4(1);

The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its protocols in force to which they are party, to prevent, reduce and combat pollution of the Convention area and to ensure Sound environmental management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The international community and SIDS should pursue and support (of) Establishment of partnerships for sustainable tourism to effectively conserve and utilise limited resources, based on consumer and market demand and the development of community-based initiatives. Destination marketing should preserve local culture and a healthy environment;

Barbados Declaration, 1994, Part I;

There is an urgent need in SIDS to address the constraints to sustainable development, including scarce land resources, which lead to difficult land and agriculture use decisions; limited fresh water; education and training needs; health and human settlement requirements; inordinate pressures on coastal and marine environment and resources; and limited means available to exploit natural resources on a sustainable basis.

Council of Europe Recommendation No R (95) 10, 1995, Part I a;

Authorities responsible for the management of protected areas should promote the use of protected areas for tourism which respects the intrinsic value of each area, with supervision measures in keeping with its natural and cultural characteristics. To this end, it is advisable to develop forms of tourism based on:

Respect for biodiversity, natural and cultural features, and the quality of the water, air, soil and landscapes;

Decision 7/3 of CSD7, 1999, Para 4(c), and 5(o);

The Commission calls upon the tourism industry to further develop voluntary eco-efficiency and appropriate management systems to save costs and to promote sustainable forms of tourism;

The commission invites (the international community) to encourage business and industry to take steps to implement eco-efficiency approaches, in order to reduce environmental impacts associated with travel and tourism activities, in particular the volume of packaging waste, especially in SIDS.

UNGASS, 1997, Resolution A/RES/S-19/2, Para 68;

Tourism like other sectors, uses resources, generates wastes and creates environmental, cultural and social costs and benefits in the process.

Global Code of Ethics, World Tourism Organisation, 1999, Article 3;

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;

World Charter of Nature, 1982, Principle 1 and 10;

Nature shall be respected and its essential processes shall not be impaired.

Natural resources shall not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules:

(a) Living resources shall not be utilised in excess of their natural capacity for regeneration;

(b) The productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation;

(c) Resources including water, which are not consumed as they are used shall be reused or recycled;

(d) Non-renewable resources which are consumed as they are used shall be exploited with restraint, taking into account their abundance, the rational possibilities of converting them for consumption, and the compatibility of their exploitation with the functioning of natural systems.

World Summit on Sustainable Development, 2002, Chapter 41, 23;

Integrate energy considerations, including energy efficiency, affordability and accessibility, into socio-economic programmes, especially into policies of major energy-consuming sectors, and into the planning, operation and maintenance of long-lived energy consuming infrastructures, such as the public sector, transport, industry, agriculture, urban land use, tourism and construction sectors;

Human activities are having an increasing impact on the integrity of ecosystems that provide essential resources and services for human well-being and economic activities. Managing the natural resources base in a sustainable and integrated manner is essential for sustainable development. In this regard, to reverse the current trend in natural resource degradation as soon as possible, it is necessary to implement strategies which should include targets adopted at the national and, where appropriate, regional levels to protect ecosystems and to achieve integrated management of land, water and living resources, while strengthening regional, national and local capacities.

### Existing proposals

Berlin Declaration, 1997, Para 5 and 13;

Tourism activities which use environmentally sound technologies for saving water and energy, prevent pollution, treat waste water, avoid the production of solid waste and encourage recycling should be promoted to the fullest extent.

Special care should be taken that living animals and plants, and products made thereof for souvenirs, are offered for sale only on the basis of a sustainable and environmentally sound use of the natural resources and in conformity with national legislation and international agreements.

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 4 (E/CN.17/1999/6/Add.11);

In spite of the constraints encountered, many SIDS have established initiatives to balance tourism activities with broader economic, social and environmental objectives at the regional, national and local levels. In particular, major efforts have led to (a) the strengthening of regional cooperation on strategies, standards and capacity building for tourism, with the assistance of international institutions, the private sector and non-governmental organisations in the area of human and institutional capacity building;

(b) increased use of user charges, particularly for environmental protection;

(c) Formulation of integrated national action plans, strategies and policies which include tourism, in particular its environmental aspects;

(d) The establishment of frameworks that allow local communities to participate and have greater control over tourism development in their localities.

The SG report E/CN.17/1999/5, 1999, Para 58, and 72;

Tourism can also significantly contribute to environmental protection, the conservation of biodiversity and the sustainable use of natural resources. For example, the tourism industry can protect and rehabilitate its natural assets, such as parks, protected areas and cultural and natural sites, by its financial contributions, provision of environmental infrastructure and improved environmental management.

The full costing and pricing of energy and water, in particular, can promote eco-efficiency in the tourism industry as well as provide additional revenue that can be used to support improved management of those resources. In this regard, the user-pays principle is appropriate and should be

more widely applied and supported. CSD7 inter-sessional ad-hoc working group on sustainable consumption and on tourism, co-chairman summary, E/CN.17/1999/20, 1999, Para 18;

Some countries noted that the use of economic instruments to promote sustainable tourism, in particular the full-costing and pricing of energy and water, can promote eco-efficiency in the tourism industry as well as provide additional revenue that can be used to support improved management of these resources. In this regard, the polluter-pays principle and user-pays systems are appropriate and should be more widely applied and supported.

CSD7 inter-sessional ad-hoc working group, E/CN.17/1999/20, 1999, Para 11;

Fresh water remains a pressing concern. Since the tourism industry is an extremely intensive user of fresh water, the problem of freshwater supply could worsen as the industry expands globally unless steps are taken to minimise water use in accommodation and other tourism activities.

UNEP Draft Principles, 2000, 2.a, 3.c and 2.c;

Ensure that (tourism) plans contain a set of development guidelines for the sustainable use of natural resources and land.

Promote introduction and more widespread use of Environmentally Sound Technologies (ESTs) by tourism enterprises and public authorities dealing with tourism or related infrastructures, as appropriate, including the use of renewable energy and ESTs for sanitation, water supply, and minimisation of the production of wastes generated by tourism facilities and those brought to port by cruise ships.

Adopt planning measures to reduce emissions of CO<sub>2</sub> and other greenhouse gases, reduce pollution and the generation of wastes, and promote sound waste management.

The European Charter for sustainable tourism in protected areas, 1995, Principle 2;

Tourism in protected areas shall be managed in such a way as to minimise as possible the use of natural resources (water, energy), to reduce the production of tourism-related waste and to promote the use of sustainable forms of transport.

Draft international covenant on environment and development, IUCN, 2000, Article 11.3, and 12.6;

Parties shall take all appropriate measures to avoid wasteful use of natural resources and, in particular, to ensure the sustainable use of renewable resources.

Parties shall....devote special attention to the satisfaction of basic human needs, in particular the provision of potable water.

Draft international covenant on environment and development, IUCN, 2000, Article 17, 18, 19;

Parties shall take all appropriate measures to achieve the stabilization of concentrations of greenhouse gases in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production, essential ecological processes, and biological diversity are not threatened, and to enable economic development to proceed in a sustainable manner.

Parties shall take all appropriate measures to ensure the conservation and where necessary the regeneration of soils for all living systems by taking effective measures to prevent soil erosion, to combat desertification, to safeguard the processes of organic decomposition and to promote the continuing fertility of soils.

Parties shall take all appropriate measures to maintain and restore the quality of water, including atmospheric, marine, ground and surface fresh water, to meet basic human needs and as an essential component of aquatic systems. Parties also shall take all appropriate measures, in particular through conservation and management of water resources, to ensure the availability of a sufficient quantity of water to satisfy basic human needs and to maintain aquatic systems.

Draft international covenant on environment and development, IUCN, 2000, Article 34;

Parties shall cooperate in the conservation, management and restoration of natural resources which occur in areas under the jurisdiction of more than one State, or fully or partly in areas beyond the limits of national jurisdiction. To this end,

(a) Parties sharing the same natural system shall manage that system as a single ecological unit notwithstanding national boundaries. They shall cooperate on the basis of equity and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonised policies and strategies covering the entire system and the ecosystems it contains. With regard to aquatic systems, such agreements shall cover the entire catchment area, including the adjoining marine environment.

(b) Parties sharing the same species or population, whether migratory or not, shall treat such species or population as a single biological unit. They shall cooperate, in particular through bilateral and multilateral agreements, in order to maintain the species or population concerned in a favourable conservation status. In the case of a harvested species or population, all the Parties that

are range states of that species or population shall cooperate in the development and implementation of a joint management plan to ensure the sustainable use of that resource and the equitable sharing of the benefits deriving from that use.

#### Limitations

Variety of interpretations on the rate of use or manner of exploitation of natural resources within the national jurisdiction or shared resources means that they may be implemented by states in a different manner and with various standards.

#### Final proposal

Parties shall undertake necessary measures to ensure environmentally sound, economically sustainable and rational use of natural resources in nature based tourism areas which shall be limited to the level that essential ecological processes, life support system, and biological diversity are not threatened, whilst enabling economic development to proceed in a sustainable manner.( CBD, IUCN Art.17) to this end, each party shall;

- i. Regulate or manage natural resources important for the protection of environment and conservation of biological diversity and sound and sustainable economic growth of the nature based tourism area;
- ii. Endeavour to provide the conditions needed for compatibility between present uses of nature based tourism areas and the sustainable use of natural resources and biodiversity of the area and its components;
- iii. Adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of nature based tourism area.(CBD Art. 11 and 12)

In the management of the environment and natural resources of nature based tourism area, Parties shall embrace preservation, maintenance, sustainable utilisation, restoration and enhancement of a natural resources or the environment. (WCED)

Parties shall address the constraints of natural resources on sustainable nature based tourism development including scarce land resources, limited fresh water; health and human settlement requirements; inordinate pressures on coastal and marine and mountain environment and limited means available to exploit natural resources on a sustainable basis. To this end, parties shall; (by the following means)

- i. Develop appropriate forms of nature based tourism based on respect for biodiversity, natural and cultural features, and the quality of the water, air, soil and landscapes; (EC Re, 95.10)

- ii. Give priority and encouragement to nature based tourism activities that are conducive to saving rare and precious resources; in particular water and energy, (WTO Code Art.3) and avoiding activities leading to long term degradation of the area.
- iii. Strengthening regional cooperation on strategies, standards and capacity building for nature based tourism development, with the assistance of all stakeholders,
- iv. Formulation of integrated national action plans, strategies and policies which include nature based tourism;
- v. Establish the frameworks for active participation of the local community and effective control over nature based tourism development in their localities. (SG progress report on SIDS, 1999, para4)
- vi. Promote eco-efficiency by implementing appropriate economic measures including the polluter-pays principle, the user-pays principle, user charge mechanism, and full costing and pricing of energy and water; (SG report E/CN.17/1999/5 para72)
- vii. Facilitate and require more widespread and efficient use of Environmentally Sound Technologies (ESTs) by the tourism industry for saving water and energy, using renewable energy, prevention of pollution, treatment of waste water, minimising the production of solid waste (Berlin Dec. para.5, UNEP draft 2) and promoting the use of sustainable forms of transport(European charter Para2)

Parties shall cooperate in the conservation, management and restoration of natural resources in nature based tourism areas under the jurisdiction of more than one State, or fully or partly in areas beyond the limits of national jurisdiction. To this end,

- i. Parties sharing the same nature based tourism area shall manage that area as a single ecological unit notwithstanding national boundaries. They shall cooperate on the basis of equity and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonised policies and strategies covering the entire area and the ecosystems it contains.
- ii. Parties sharing the same species or population, whether migratory or not, shall treat such species or population as a single biological unit. They shall cooperate, in particular through bilateral and multilateral agreements, in order to maintain the species or population concerned in a favourable conservation status.

## Principle XV

### Constitutional area

Principle of conservation and sustainable use of Biodiversity

### Thematic priorities

This principle implies the protection and rational exploitation of ecosystem biodiversity, species diversity, and genetic diversity.

### Back ground (inhibiting factors)

CITES, 1973, Preamble;

RECOGNISING that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come

Stockholm Declaration, 1972, Principle 4;

Man has a special responsibility **to safeguard** and wisely manage **the heritage of wildlife and its habitat**, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development.

World Charter of Nature, 1982, Principle 2, 3, and 4;

The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.

All areas of the earth, both land and sea shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.

Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilised by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.

Convention on Biological Diversity 1992, Preamble, Articles, 11, 12, 16, 17, 18;

Each Contracting Party shall, as far as possible and as appropriate

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

(i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

The Contracting Parties, taking into account the special needs of developing countries, shall:

(a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries;

(b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, inter alia, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and

(c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

CBD, 1992, Article 10;

Each Contracting Party shall, as far as possible and as appropriate:

(a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;

(b) Adopt measures relating to the use of biological resources to avoid or minimise adverse impacts on biological diversity;

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

Barbados Declaration, 1994, Part I;

Small island developing States have sovereign rights over their own natural resources. Their biodiversity is among the most threatened in the world and their ecosystems provide ecological corridors linking major areas of biodiversity around the world. They bear responsibility for a significant portion of the world's oceans and seas and their resources. The efforts of SIDS to conserve, protect and restore their ecosystems deserve international cooperation and partnership.

Berlin Declaration, 1997, Para 2, and 3;

Tourism activities which directly or indirectly contribute to the conservation of nature and biological diversity and which benefit local communities should be promoted by all stakeholders.

To conserve nature and biological diversity as a major resource of tourism activities, all necessary measures should be taken to ensure that the integrity of ecosystems and habitats is always respected. Additional burdens from tourism development should be avoided in areas where nature is already under pressure from tourism activities. Preference should be given to the modernisation and renovation of existing tourism facilities.

Global Code of Ethics, WTO, 1999 Article 3;

Tourism infrastructure should be designed and tourism activities programmed in such a way as to protect the natural heritage composed of ecosystems and biodiversity and to preserve endangered species of wildlife

World Summit on Sustainable Development, 2002, Chapter 41 and 41 (b), (d), (f), (g);

**Biodiversity, which plays a critical role in overall sustainable development** and poverty eradication, is essential to our planet, human well-being and to the livelihood and cultural integrity of people. However, biodiversity is currently being lost at unprecedented rates due to human activities; this trend can only be reversed if the local people benefit from the conservation and sustainable use of biological diversity, in particular in countries of origin of genetic resources, in accordance with article 15 of the Convention on Biological Diversity. The Convention is the key instrument for the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from use of genetic resources. A more efficient and coherent implementation of the three objectives of the Convention and the achievement by 2010 of a significant reduction in the current rate of loss of biological diversity will require the provision of new and additional financial and technical resources to developing.

**Promote the ongoing work** under the CBD on the sustainable use on biological diversity, including **on sustainable tourism, as a cross-cutting issue relevant to different ecosystems, sectors and thematic areas;**

Implement the Convention and its provisions, including those related to sustainable development and poverty eradication, including initiatives which promote community-based sustainable use of biological diversity;

Promote concrete international support and partnership for the conservation and sustainable use of biodiversity, including in ecosystems, at World Heritage sites and for the protection of endangered species, in particular through the appropriate channelling of financial resources and technology to developing countries and countries with economies in transition;

To effectively conserve and sustainably use biodiversity, promote and support initiatives for hot spot areas and other areas essential for biodiversity and promote the development of national and regional ecological networks and corridors;

World Summit on Sustainable Development, 2002, Chapter 64 (e);

Support the conservation of Africa's biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, in accordance with commitments that countries have under biodiversity-related agreements to which they are parties, including such agreements as the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, as well as regional biodiversity agreements.

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Principle 13 and 21;

Everyone has the right to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health, livelihood, recreational, spiritual or other purposes. This Includes ecologically sound access to nature.

All persons, individually and in association with others, have a duty to protect and preserve the environment.

The SG report E/CN.17/1999/5, 1999, Para 81;

The international community should support the development of inventories of tourism activities and attractions that take into account the impact of tourism on ecosystems and biological diversity. In this regard, technical and scientific cooperation should be established through the clearing-house mechanism of the Convention on Biodiversity.

UNEP Principles, 2000, Para 2.a;

Protect important habitats and conserve biodiversity in accordance with the Convention on Biological Diversity.

The European Charter for sustainable tourism in protected areas, 1995, Principle 6;

Activities shall be based on the intrinsic qualities of the area, encouraging appreciation and enjoyment of its natural and cultural heritage and only requiring a development at an appropriate scale.

Draft international covenant on environment and development, IUCN, 2000, Article 2, 21.1, 21. 2, and 30.2;

Nature as a whole warrants respect. The integrity of the Earth's ecological systems shall be maintained and restored. Every form of life is unique and is to be safeguarded independent of its value to humanity.

Parties shall take all appropriate measures to conserve biological diversity, including species diversity, genetic diversity within species, and ecosystem diversity, especially through in situ conservation. To this end, Parties shall:

- (a) Integrate conservation of biological diversity into their physical planning systems,
- (b) Establish a system of protected areas, where appropriate with buffer zones and interconnected corridors, and
- (c) Prohibit the taking or destruction of endangered species, protect their habitats, and develop recovery plans for such species.

States shall regulate or manage biological resources with a view to ensuring their conservation, sustainable use, and where necessary and possible, restoration. To this end, Parties shall:

- (a) Develop and implement conservation and management plans for harvested biological resources;
- (b) Prevent a decrease in the size of harvested populations below the level necessary to ensure stable recruitment;
- (c) Safeguard and restore habitats essential to the continued existence of the species or populations concerned;

(d) Preserve and restore ecological relationships between harvested and dependant or associated species or populations; and

(e) Prevent or minimise incidental taking of non-target species and prohibit indiscriminate means of taking.

As regards biological resources, products and derivatives, Parties shall endeavour to ensure that:

(a) Trade is based on management plans for the sustainable harvesting of such resources and does not endanger any species or ecosystem; and

(b) Parties, whose biological resources cannot be exported due to prohibitions imposed by a multilateral environmental agreement, shall receive appropriate compensation for losses suffered due to non-compliance by any other party to that agreement.

Quebec Declaration, 2002, Recommendation 24;

(The private sector should) Cooperate with governmental and non-governmental organisations in charge of protected natural areas and conservation of biodiversity, ensuring that ecotourism operations are practised according to the management plans and other regulations prevailing in those areas, so as to minimise any negative impacts upon them while enhancing the quality of the tourism experience and contribute financially to the conservation of natural resources;

#### Limitations

The rational and sustainable use of three main elements of biodiversity, ecosystem biodiversity, species diversity, and genetic diversity, and imply them to the development plans and programmes always confronted with developmental needs of local communities and therefore, should be carefully balanced with each other.

#### Final proposal

Reaffirming that nature and biological diversity are the major resources of nature based tourism and should be, by all necessary measures, safeguarded. (Berlin Dec 3)

Considering that the loss of biological diversity can only be prevented by involving the local communities benefiting from conservation and sustainable use of biodiversity and nature based tourism could be the most appropriate way to fulfil such task. (WSSD chapter 41)

Parties shall recognise the right of individuals to benefit equitably from the conservation and sustainable use of nature and natural resources for cultural, ecological, educational, health,

livelihood, recreational, spiritual or other purposes. This Includes ecologically sound access to nature. (Draft Dec. of human rights and environment 13)

Parties shall set up appropriate measures to encourage and support scientific research on the identification, conservation and sustainable use of ecosystem diversity of nature based tourism areas and provides facilities for cooperating in the use of relevant scientific advances in developing methods for conservation and the sustainable use of biological resources. (CBD 16)

Parties, in collaboration with all stakeholder, shall encourage, by all possible means, nature based tourism activities which contribute significantly to the conservation of nature. (Berlin Dec 2)

Each party shall integrate the consideration of the protection and sustainable use of ecosystems and biodiversity and in nature based tourism areas into appropriate levels of decision-making. (CBD 10)

Nature based tourism activities shall be based on the intrinsic qualities of the area, encouraging appreciation and enjoyment of the natural and cultural heritage and limiting a development to an appropriate level. (European Charter for sustainable tourism, 6)

Each party shall maintain and restore the integrity of the nature based tourism area's ecological systems through, inter alia, safeguarding every form of life independent of its value to humanity, and integrating conservation objectives into their physical planning systems the trading of products and derivatives of the area shall be based on the management plans for the sustainable harvesting of biological resources, and avoid endangering any species or ecosystem of the area.(IUCN 21 and 30.2) (come up with a sentence on avoid polluting area and restriction on development in fragile area)

## Principle XVI

### Constitutional area

Principle of careful activity in sensitive and protected areas

### Thematic priorities

This principle addresses the requirements of any tourism development or activities in ecologically sensitive areas including within protected areas.

### Back ground (inhibiting factors)

Global Code of Ethics, WTO, 1999, Article 5.3;

Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions, for which tourism often represents a rare opportunity for development in the face of the decline of traditional economic activities;

Council of Europe Recommendation No R (95) 10, 1995, Preamble;

Considering that tourism should help to make European citizens aware that protected areas contain a unique natural and cultural heritage which should be preserved for present and future generations

Recommend that the governments of member states:

- a. maintain, wherever necessary and possible, strictly protected areas, the sole purpose of which is to serve the needs of scientific research;
- b. with regard to other protected areas, take appropriate measures to encourage sustainable tourism which respects the heritage of those areas, based on the principles and guidelines contained in the appendix to this recommendation;

Council of Europe Recommendation No R (95) 10, 1995, Part I;

Authorities responsible for the management of protected areas should promote the use of protected areas for tourism which respects the intrinsic value of each area, with supervision measures in keeping with its natural and cultural characteristics. To this end, it is advisable to develop forms of tourism based on:

- a. respect for biodiversity, natural and cultural features, and the quality of the water, air, soil and landscapes;
- b. respect for the social and cultural identity of the local populations;
- c. compatibility and the need to strike a balance between the competing aspirations and needs of local communities, tourist development and conservation; precedence must always be given to conservation interests whenever they cannot be reconciled with those of tourism;
- d. the use of resources generated by tourism to promote measures to preserve and manage protected areas and add to the well-being of the local population;
- e. the existence of different types of protected areas, and the need to provide for a kind of tourism appropriate to the aims of each area and based on the key concept of carrying capacity;
- f. shared responsibility;
- g. the aim of ensuring that the approaches adopted in protected areas serve as examples, since these places are considered as pilot areas, which tourism can use as a source of new models and new approaches.

Council of Europe Recommendation No R (95) 10, 1995, Part III;

Those responsible for protected areas should provide an appropriate response to the growing public interest in such areas.

In the context of the conservation and management plan specific to each protected area, and in conjunction with the tourist industry and local communities, they should develop a concept of sustainable tourism, and a plan of action which emphasises:

#### 1. Conservation of the area

- Each protected area must have a set of rules drawn up which is adapted to its aims and function, stating whether and to what extent certain activities can be carried out or if they should be prohibited altogether, determining when the public can visit and guaranteeing behaviour conducive to preventing damage to nature.

#### 2. Controlling numbers

- Activities should be spread out in time and space, according to the carrying capacity of the area in question, through the following measures:

- partitioning the areas into zones bearing in mind the habitat's richness, fragility, sensitivity to certain pressures, and carrying capacity;
- routing or channelling tourists along clearly marked paths or trails or by means of guided tours;
- limiting visitor numbers by any appropriate means, or even restricting visiting days and times, according to the carrying capacity of the area in question.

### 3. Visitor reception, information and education

#### a. The organisation of reception entails:

- i. having a thorough knowledge of the various types of tourists with their diverse motivations and expectations;
- ii. bearing in mind the variety of requirements and cultural approaches needed in dealing with the public;
- iii. providing recreational or educational facilities to suit the environment and the public, and removable amenities in certain sensitive zones, and promoting research into techniques for manufacturing materials suited to protected areas;

#### b. an information, explanation and communication strategy should be implemented. Its aims should be:

- i. to promote awareness of the value of the heritage contained in protected areas and the need to preserve it;
- ii. to encourage people to accept the constraints necessitated by its protection;
- iii. to explain the delicate task of the manager, who must both accommodate visitors and keep intact, or even enhance, the natural, cultural and landscape features of the protected area;
- iv. not only to instil knowledge but also to answer visitors' questions.

#### - It should comprise the following:

- i. information provided competently and with due regard to the target groups (tourists, decision-makers, tourism professionals, and so on), particularly on measures to prevent pollution;

ii. use of information media to help alert the public to the issues through education-oriented facilities (walks, tours, etc.), and signposting (vital for the park's image, and a primary source of information), if possible in several languages;

iii. training programmes for officials responsible for reception, information and explanation in the protected areas, particularly wardens and other park employees.

#### 4. Follow-up

- A programme should be drawn up to monitor and supervise the development of tourist activities, making it possible to:

a. follow and fully understand the changing needs, expectations and behaviour of the public as well as visitor numbers;

b. develop research programmes to make a systematic assessment of the effects which certain activities have on the natural habitat and species, and take the precautionary and suspension measures needed to prevent or offset adverse negative effects;

c. continuously supervise the state of reception infrastructures.

#### 5. Cooperation among all concerned

- There must be patient, active cooperation with a view to developing a balanced pattern of tourism. Consequently, there should be scope for formalising dialogue, pooling resources and know-how, and seeking mutually agreed solutions with the various partners involved.

- The exchange of information and sharing of experiences with the managers of other protected areas should be encouraged. Information systems comprising data on sustainable tourism should be compatible, so that they can be used for all protected areas.

Charter for Sustainable Tourism, 1995, Lanzarote, Para 11;

Environmentally and culturally vulnerable spaces, both now and in the future, shall be given special priority in the matter of technical cooperation and financial aid for sustainable tourism development. Similarly, special treatment should be given to zones that have been degraded by obsolete and high impact tourism models.

Council of Europe Recommendation No R (97) 9, 1997 Article 1;

Enacting legislation which provides for the protection of a considerable part of the coastal strip, the width of which should extend to the limits of the natural processes land/sea;

Granting particular protected status to as many areas (land or sea areas) as possible, particularly those which are noteworthy sites or landscapes or are characteristic of the natural and cultural heritage of the region or country, and which are necessary for maintaining biological or coastal equilibrium or are of ecological importance;

Protecting areas which are still intact and particularly vulnerable through a policy of controlling land use by purchase, rental or management agreements;

Guaranteeing free public access, while ensuring that this right is exercised without jeopardising the interests of landowners, nature or the environment.

CBD, 1992, Article 8;

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- (b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;
- (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- (d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- (e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;
- (i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

### Existing proposals

The report of SG E/CN.17/1999/5, 1999, Para 58, and 70;

Tourism can also significantly contribute to environmental protection, the conservation of biodiversity and the sustainable use of natural resources. For example, the Tourism industry can protect and rehabilitate its natural assets, such as parks, protected areas and cultural and natural sites, by its financial contributions, provision of environmental infrastructure and improved environmental management.

Tourism, in particular mass tourism, should be regulated and, where necessary, prohibited in ecologically and culturally sensitive areas. Also, in protected areas and where nature is particularly diverse, vulnerable and attractive, tourism should be permitted only when it meets the requirements of nature protection and biological diversity conservation. In coastal areas where tourism can impose serious environmental damage, Governments should fully implement the principles of integrated coastal area management.

CSD7 inter-sessional ad-hoc working group, chairman summary, E/CN.17/1999/20, 1999, Para 26;

Tourism, in particular mass tourism, should be regulated and, where necessary, prohibited in ecologically and culturally sensitive areas. In protected areas and where nature is particularly diverse, vulnerable and attractive, tourism should be permitted only where it meets the requirements of nature protection and biological diversity conservation. In coastal areas where tourism can impose serious environmental damage, the principles of integrated coastal area management should be implemented. Environmental impact studies are an important tool for sustainable development and should be undertaken.

CSD7 multi-stakeholders dialogue, chairman summary, E/CN.17/1999/20, 1999, Para 19;

Several participants endorsed de-marketing strategies as a means to protect sensitive or fragile destinations from damage through overloading. Such strategies could include pricing orientation, omission from guidebooks and promotion among consumers of other tourist sites. De-marketing strategies that influence societal values can take place in both originating and destination countries.

Quebec Declaration, 2002, Recommendation 21, 22;

Conceive, develop and conduct their businesses minimising negative effects on, and positively contributing to, the conservation of sensitive ecosystems and the environment in general, and directly benefiting and including local and indigenous communities;

Ensure that the design, planning, development and operation of ecotourism facilities incorporates sustainability principles, such as sensitive site design and community sense of place, as well as conservation of water, energy and materials, and accessibility to all categories of population without discrimination;

Draft international covenant on environment and development, IUCN, 2000, Article 20.1 and 20.2;

Parties shall take appropriate measures to conserve and, where necessary and possible, restore natural systems which support life on Earth in all its diversity, including biological diversity, and to maintain and restore the ecological functions of these systems as an essential basis for sustainable development, including inter alia,

- (a) Forests as natural means to control erosion and floods, and for their role in the climate system;
- (b) Freshwater wetlands and floodplains as recharge areas for ground waters, floodwater buffers, filters and oxidizing areas for contaminants;
- (c) Marine ecosystems, in particular coastal ecosystems including barrier islands, estuaries, mangroves, sea grass beds, coral reefs and mudflats as natural defenses against coastal erosion and essential habitats for the support of fisheries.

Parties shall, within their jurisdiction, manage natural systems as single ecological units. In particular they shall,

- (a) Manage aquatic systems as entire units covering the full extent of the catchment area, and
- (b) Manage coastal systems as entire units covering both aquatic and terrestrial components.

Draft international covenant on environment and development, IUCN, 2000, Article 52bis;

Parties shall establish, as appropriate, criminal or administrative offenses for violations of environmental law or for activities that cause or are likely to cause serious harm to the environment.

Parties shall establish sanctions for such offenses that take into account the seriousness of the offenses and may include fines, confiscation, suspension or cancellation of permits or other benefits, imprisonment, and the obligation to reinstate the environment.

## Limitations

Natural heritage sites and protected areas are the main resources to attract nature based tourists. They are main resources for achieving development in many developing countries. They contain vulnerable, sensitive and in many cases fragile ecosystems. If carefully planned and managed nature based tourism could serve as an instrument for protection of their environment and conservation and sustainable use of their biodiversity while preserving the cultural diversity of the local community. Otherwise such activity could be harmful both for the environment and culture.

## Final proposal

1. Any area, including any marine area, may be designated as a nature based tourism area to protect outstanding environmental, social, cultural, historic, scientific, aesthetic, and wilderness values, or any combination of those values. These areas include, but are by no means limited to, natural heritage sites, national parks, protected areas, marine protected areas and national parks.
2. The first Conference of the Parties shall establish an appropriate mechanism and criteria for the identification of nature based tourism areas worldwide, and to place them in the series of nature based tourism areas.
3. Each party shall establish a system of nature based tourism areas, with buffer zones and interconnected corridors where appropriate, based on criteria set up by the first COP. (IUCN 21.1)
4. Parties shall promote environmentally sound and sustainable development in areas adjacent to nature based tourism areas with a view to furthering protection of these areas ;( CBD 8)
5. in accordance with the content of this Covenant, and in the light of appropriate exercise of the rights to access, entry into nature based tourism areas shall be restricted (Article 3 of Antarctic treaty Annex V) and associated activities shall be based on;
  - i. Respect for biodiversity, natural and cultural features, and the quality of the water, air, soil and landscapes;
  - ii. Respect for the social and cultural identity of the local populations;
  - iii. Compatibility and the need to strike a balance between the competing aspirations and needs of local communities, nature based tourist development and conservation objectives;
  - iv. The use of resources generated by nature based tourism to promote measures to preserve and manage nature based tourism areas and add to the well-being of the local population;
  - v. carrying capacity of the area;
  - vi. Shared responsibility based on the participatory principle;(EC Re 95.10)

6. Parties shall take appropriate measures, including financial facilities, to ensure that the design, planning, development and operation of nature based tourism activities incorporate sustainability principles and respects the natural and cultural heritage of nature based tourism areas. (IUCN) (EC Re. 95.10)

7. Tourist contributions to the objectives set out by this Covenant should be encouraged by, inter alia, a voluntary contribution or introduction of an appropriate entrance fee. (SG report)

8. International financial, developmental, and environmental organisations shall give special priority in the matter of technical cooperation and financial aid for sustainable nature based tourism development in these areas. (Charter for Sustainable Tourism)

9. The Tourism industry as a member of the Covenant and with a proven significant contribution to its objectives, is permitted to carry out tourism activities in nature based tourism areas. Such activities shall undertake EIA and meet the requirements of nature protection, biological diversity conservation, cultural preservation, and contribute to local development as set out by the Covenant.

10. Parties shall establish sanctions for activities that cause or are likely to cause serious harm to the environment and take into account the seriousness of such activities and may include fines, confiscation, suspension or cancellation of permits or other benefits, and the obligation to reinstate the environment by perpetrator operator. (IUCN)

11. Parties shall make available appropriate information on the location, environmental, social, cultural, scientific, and aesthetic values and specification of the nature based tourism area, including its vulnerability and sensitivity and prohibited or restricted acts within the area. The location of the nature based tourism area shall be shown on the relevant publication including maps and charts and boundaries of the area shall be suitably marked.

12. Parties, using appropriate measures, shall protect and avoid harmful interference or the killing, injuring, capturing, handling and molesting of indigenous flora and fauna of natural heritage sites, national parks and protected areas by nature based tourism activities, except with permission, (and particularly for market purposes). (Antarctic treaty) They shall not allow the trade of such species in accordance with the provision of CITES. (CITES)

13. The introduction of harmful interference or the killing, injuring, capturing, handling and molesting of endangered or specially protected species of site flora and fauna shall be prohibited, except with permission for scientific or educational purposes at the minimum level and the least degree of pain and suffering practicable. (Article 3 of Antarctic treaty Annex II)

14. No species of animal or plant not native to the site, including domestic ones, shall be introduced onto land or into water in the natural heritage sites, national parks or protected areas, except in accordance with a permit.

15. Each Party shall require that precautions be taken to prevent the introduction of Living Modified Organs (LMO) as well as micro-organisms not present in the native fauna and flora. (Article 4 of Antarctic treaty Annex II)

16. Each Party shall prepare and make available information setting forth, in particular, prohibited activities and providing lists of endangered and specially protected species to all visitors with a view to enhance levels of education and responsible behaviour of guests and to ensure a comprehensive understanding of the protection objectives of this Covenant. (Article 5 of Antarctic treaty Annex II)

## Principle XVII

### Constitutional area

#### Waste Disposal and Waste management

### Thematic priorities

This principle aims at control, manage and treat, in an appropriate way, the waste production in nature based tourism destination and try to eliminate the threat of its harm to the environment

### Back ground (inhibiting factors)

World Charter of Nature, 1982, Principle 12.a

Discharge of pollutants into natural systems shall be avoided and:

(a) Where this is not feasible, such pollutants shall be treated at the source, using the best practicable means available;

Council of Europe Recommendation No R (97) 9, 1997, Article 4;

- restricting motor-car and water-borne traffic; strictly regulating this traffic on shores and coastal waters; promoting public transport and encouraging less noisy and less polluting modes of transport together with pedestrian zones and walks;

- ensuring that beaches are regularly cleaned, providing for the systematic microbiological monitoring of water quality, and keeping the public informed.

CSD7 decision 7/3, 1999, Para 4(d);

The Commission calls upon the tourism industry to take effective steps to reduce the volume of waste associated with travel and tourism activities;

Global Code of Ethics, WTO, 1999, Article 3.2;

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;

Malmö Declaration, 2000, Article 5;

Environmental threats resulting from the accelerating trends of urbanization and the development of mega cities, the tremendous risk of climate change, the freshwater crisis and its consequences for food security and the environment, the unsustainable exploitation and depletion of biological resources, drought and desertification, and uncontrolled deforestation, increasing environmental emergencies, the risk to human health and the environment from hazardous chemicals, and land-based sources of pollution, are all issues that need to be addressed.

World Summit on Sustainable Development, 2002, Chapter 21;

Prevent and minimise waste and maximise reuse, recycling and use of environmentally friendly alternative materials, with the participation of government authorities and all stakeholders, in order to minimise adverse effects on the environment and improve resource efficiency, with financial, technical and other assistance for developing countries. This would include actions at all levels to:

Develop waste management systems, with highest priorities placed on waste prevention and minimisation, reuse and recycling, and environmentally sound disposal facilities, including technology to recapture the energy contained in waste, and encourage small-scale waste-recycling initiatives that support urban and rural waste management and provide income-generating opportunities, with international support for developing countries;

Promote waste prevention and minimisation by encouraging production of reusable consumer goods and biodegradable products and developing the infrastructure required.

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Preamble;

Convinced that the potential irreversibility of environmental harm gives rise to special responsibility to prevent such harm,

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part II, Principle 5-9;

All persons have the right to freedom from pollution, environmental degradation and activities that adversely affect the environment, threaten life, health, livelihood, well-being or sustainable development within, across or outside national boundaries.

All persons have the right to protection and preservation of the air, soil, water, sea-ice, flora and fauna, and the essential processes and areas necessary to maintain biological diversity and ecosystems.

All persons have the right to the highest attainable standard of health free from environmental

All persons have the right to safe and healthy food and water adequate to their well-being.

All persons have the right to a safe and healthy working environment.

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part III, Principles 19-20;

All persons have the right to associate freely and peacefully with others for purposes of protecting the environment or the rights of persons affected by environmental harm.

All persons have the right to effective remedies and redress in administrative or judicial proceedings for environmental harm or the threat of such harm.

The SG report E/CN.17/1999/5, 1999, Para 71;

Governments should pay special attention to negative environmental impacts of road and air traffic and take steps to ensure that tourism development incorporates environmentally friendly modes of transport. In this regard, a mix of economic, technological and management approaches may be useful.

CSD7 inter-sessional ad-hoc working group on sustainable consumption and on tourism, co-chairman summary, E/CN.17/1999/20, 1999, Para 31;

Tourism enterprises were also urged to take all appropriate measures to minimise all forms of waste, conserve energy and freshwater resources, and control harmful emissions to all environmental media, as well as minimise the potential environmental impacts from tourism development, for example, by using local materials and technologies appropriate to local conditions.

The SG report E/CN.17/1999/5, 1999, Para 61;

Tourism enterprises should take all appropriate measures to minimise all forms of waste, conserve energy and freshwater resources and control harmful emissions to the environment. Furthermore, tourism enterprises should plan and manage their operations to minimise the potential

environmental impacts from tourism development, such as using local materials and technologies appropriate to local conditions.

UNEP Draft Principles, 2000, Para 2.c;

Adopt planning measures to reduce emissions of CO<sub>2</sub> and other greenhouse gases, reduce pollution and the generation of wastes, and promote sound waste management.

Draft international covenant on environment and development, IUCN, 2000, Article 14, and 15.2;

Parties shall not transfer, directly or indirectly, harm or hazards from one area to another or transform one type of environmental harm to another.

Party within whose jurisdiction or control an emergency originates shall immediately take all practicable measures necessitated by the circumstances, in cooperation with potentially affected states, and where appropriate, competent international organisations, to prevent, mitigate and eliminate harmful effects of the emergency.

Draft international covenant on environment and development, IUCN, 2000, Article 24, 25;

Parties shall take, individually or jointly, all appropriate measures to prevent, reduce, control, and eliminate to the fullest extent possible, detrimental changes in the environment, in particular from radioactive, toxic, and other hazardous substances. For this purpose, they shall use the best practicable means at their disposal and shall endeavour to harmonise their policies.

Parties shall ensure that the generation of waste is reduced to a minimum, particularly through the use of non-waste technology.

Waste shall be reused, recovered, and recycled to the fullest extent possible.

Waste which cannot be reused, recovered, or recycled, shall be disposed of in an environmentally sound manner, to the fullest extent possible in the source Party.

Under no circumstances shall there be any export of waste where the exporting Party has reason to believe that it will not be managed in an environmentally sound manner or to a place where waste import has been banned. If a transboundary movement cannot be completed in compliance with these requirements, the exporting Party shall ensure that such waste is taken back if alternative environmentally sound arrangements cannot be made.

## Limitations

There are a few international instruments which consider harm to the environment as a crime and deal with it accordingly. Almost all of them address the accidental harmful actions towards the environment and some, such as oil pollution damage treaties propose a kind of compensation mechanism. The scope of these instruments is mostly limited at the enterprise level (for example in oil pollution treaties) or cover specific ecosystem or geographical areas such as the Antarctic treaties. At the state level there is a lack of a comprehensive instrument to address, as far as possible, environmental harm caused by a sovereign state to its own nature or to the surrounding neighbours and region. UNCC is the major international body that set out procedures to deal with environmental claims resulting from 1991 Iraq-Kuwait. The panels of UNCC considered the act of environmental harm carried out during the war by the government of Iraq as a crime and recognised its liability.

## Final proposal

Parties shall take appropriate measures to implement the following:

- i. The amount of waste produced or disposed of by nature based tourism activities in the natural heritage sites, protected areas and national parks shall be reduced, controlled, and eliminated to the fullest extent possible, so as to minimise the impact on the natural environment and interference with the natural values of these sites by all means which are consistent with the this Covenant.
- ii. Waste storage, disposal and removal from nature based tourism sites, as well as recycling and source reduction shall be essential considerations in the planning and conduct of activities in these sites. (Article 1 of Annex III to the Antarctic Treaty)
- iii. Solid wastes shall be removed from the site by the producers of such wastes. Domestic liquid wastes and sewage shall, to the maximum extent practicable, be removed from the site by the generator of such wastes. Until such a time, when it is possible to dispose of wastes in an environmentally sound manner such as reusing, recovering or recycling, allowance shall be made to avoid deposition over areas of special biological, scientific, historic, and aesthetic or wilderness significance.
- iv. Liquid wastes and sewage not removed or disposed of in accordance with the above paragraph shall not be disposed of in biological sensitive areas, river basins, freshwater resources or/and discharged into the sea and shall be treated in such a way as to prevent its dispersal into the environment. (Article 2, 3, 4)
- v. The wastes generated within cruise-ships shall, to the maximum extent practicable, be collected, stored, removed by the generator of such wastes and returned to the country of origin. (Article 5 and 6)

- vi. The use of polychlorinated biphenyls (PCBs), non-sterile soil, polystyrene beads, chips or similar forms of packaging will be discouraged particularly through the use of non-waste technology, reusable consumer goods and biodegradable products.(Article 7 and IUCN and WSSD)

Each Party shall establish a waste disposal classification system as a basis for recording wastes and to facilitate evaluation of the environmental impacts of nature based tourism activities and associated logistic support and transportation.

Each Party shall prepare and annually review and update its waste management plans including cleaning up programmes, current waste management arrangements and analysing the environmental effects of them, and evaluate other methods to minimise any environmental effects of wastes and waste management. (Article 8)

Each Party shall report on its waste management plans, and their implementation and review, to the Committees of Experts of the COPs. The Committee may review reports and may offer comments, including suggestions for minimising impacts and modifications and improvement to the plans, for the consideration of the Parties (Article 9)

Parties shall pay attention to the negative environmental impacts of road, sea, and air traffic and take necessary measures to reduce emissions of CO<sub>2</sub> and other greenhouse gases so as to ensure nature based tourism development fully incorporates environmentally friendly modes of transport. They shall strictly regulate such traffic; promote public transport and encourage less polluting modes of transport. (SG report, UNEP principles, EC recommendation)

The Tourism industry, in cooperation with state parties, shall take effective measures to reduce the volume of all forms of waste associated with nature based tourism activities by encouraging responsible behaviours including saving rare and precious resources, in particular water and energy. (WTO code, decision 7/3)

## **Principle XVIII**

### Constitutional area

#### Marine Pollution

### Thematic priorities

This principle addresses the requirements for protection and sustainable use of marine ecosystems by avoiding pollution of marine resources

### Back ground (inhibiting factors)

UN Convention on law of sea (UNCLOS), 1982, Article 192, 194(1, 3, 5), 196.1;

States have the obligation to protect and preserve the marine environment.

States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonise their policies in this connection.

The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, inter alia, those designed to minimise to the fullest possible extent:

- (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;
- (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;
- (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the sea-bed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;

(d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.

UN Convention on law of sea (UNCLOS), 1982, Article 207.1, 211(1-2) and 217.1,

States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures

States, acting through the competent international organisation or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routing systems designed to minimise the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.

States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organisation or general diplomatic conference.

States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organisation or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for

their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.

#### Existing proposals

Berlin Declaration, 1997, Para 9;

Tourism activities, including tourism planning, measures to provide tourism infrastructure, and tourism operations, which are likely to have significant impacts on nature and biological diversity should be subject to prior environmental impact assessment.

UNEP Draft Principles, 2000, 2.b and 2.c;

Anticipate environmental impacts by undertaking comprehensive EIAs (environmental impact assessment) for all tourism development programmes taking into account cumulative effects from multiple development activities of all types.

Develop regional strategies to address transboundary environmental issues, such as marine pollution from shipping and from land-based sources of pollution.

#### Limitations

Environment Impact Assessment of marine pollution caused by international marine vessels is an area which needs more survey and study. At present, such EIA is not considered as routine practice because of the involvement of various states. Monitoring and reporting of possible environmental damage caused by land-based facilities is mostly considered as a voluntary initiative. It is mainly because of the form of land lordship of costal facilities.

#### Final proposal

The discharge into the seas, particularly in coral reef and Caribbean aquatic areas, and marine nature based tourism areas, of oily and noxious liquids, or other chemical substances, and all kinds of plastic and solid waste, as well as untreated sewage in quantities or concentrations that are harmful to the marine environment, shall be prohibited. (Article 3, 4, 5 and 6 of Antarctic treaty Annex IV)

Each Party shall undertake to ensure that all ships entitled to fly its flag have sufficient capacity on board for the retention of untreated solid and liquid waste and garbage, while operating in marine nature based tourism areas and have concluded arrangements to discharge such waste at a reception facility after leaving that area.

Each Party at whose ports ships depart en route to or arrive from marine nature based tourism areas undertakes to ensure that as soon as practicable and with the close collaboration of concerned parties, adequate facilities are provided for the reception of all waste from ships.(Article 9 of Antarctic treaty Annex IV)

Consistent with the rights of other States, Parties shall examine, as far as practicable and by recognised scientific methods, prior environment impact assessments at the commencement of any new nature based tourism in the marine area under their jurisdiction or control, to determine whether these activities have a minor or transitory impact on the marine environment. Otherwise the EIA procedures set out by this Covenant shall be applied. (UNCLOS)

Parties shall adopt appropriate laws and regulations to prevent, reduce and control pollution of the marine environment from nature based tourism land-based activities including tourist facilities.

## Principle XIX

### Constitutional area

#### Principle of Carrying Capacity

### Thematic priorities

This principle addresses the need to identify the limits of social and environmental capacities of nature based tourism areas and reflect them in relevant policy and planning to absorb tourists without submerging and overwhelming the local culture and causing environmental damage.

### Back ground (inhibiting factors)

Rio Declaration, 1992, Principle 9;

States should cooperate to strengthen **indigenous capacity building** for sustainable development by improving **scientific understanding through exchanges of scientific and technological knowledge**, and by **enhancing the development, adaptation, diffusion and transfer of technologies**, including new and innovative technologies.

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

National action, policies and measures (should) **Adopt integrated planning and policies** to ensure sustainable tourism development, with particular attention to land-use planning and coastal zone management, requiring environmental impact assessments for all tourism projects; the continuous monitoring of the environmental impact of all tourism activities; and the development of guidelines and standards for design and construction taking into account energy and water consumption, the generation and disposal of wastes and land degradation, the **proper management and protection of eco-tourism attractions, and the carrying capacity of areas for tourism.**

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 14;

Make efforts to **keep the ratio** of the **visitor population to the local population** at an **acceptable level** through appropriate diversification of the tourism product and the tourist market, particularly if mass tourism has been promoted for a long time in the past.

Council of Europe Recommendation No R (94) 7, 1994, Articles 5 and 8 and part II 1-k;

Tourism development should be a gradual process and not outstrip infrastructure improvements. Tourism projects must be carried out within the limits of the local infrastructure.

Tourism activities and development must respect the scale, nature, character and capacity of the local physical and social environment of the place, in which they are sited, as well as its natural resources, landscape quality, historic and archaeological heritage and cultural identity.

control tourist demand and flow, in particular by staggering the tourist season and easing pressure on certain sites by developing other centres of interest, introducing admission fees at certain sites or for certain services, or limiting the number of tourists;

International Conference on Sustainable Tourism in SIDS, 1998, Part I, 2

SIDS should consider the environmental and socio-cultural carrying capacity of the island in their tourism policy and strategy;

Decision 7/3 of CSD7, 1999, Para 3d;

To undertake capacity building work with indigenous and local communities in order to facilitate their active participation, at all levels of the tourism development process, including transparent decision-making and sharing of benefits, and to create awareness of the social, economic and environmental costs and benefits that they are bearing

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 26;

Promote and undertake the training of entrepreneurial, professional and labour human resources at the private and public levels related with STD in SIDS and other islands. Analyse existing training programmes and facilities to define the gaps and necessary actions.

Global Code of Ethics, WTO, 1999, Article 3.5;

**Nature tourism and ecotourism are recognised as being particularly conducive to enriching and enhancing the standing of tourism, provided they respect the natural heritage and local populations and are in keeping with the carrying capacity of the sites;**

### Existing proposals

The European Charter for sustainable tourism in protected areas, 1995, Principle 1;

Tourism development in protected areas shall take into account the limitations of the capacity of the natural, social and cultural environment to accommodate visitors. To this end, the impact of tourist activities on protected areas shall be regularly planned, managed and assessed to take account of environmental, economic and social needs.

Berlin Declaration, 1997, Para 12 and 16;

Sports and outdoor activities, including recreational hunting and fishing, particularly in ecologically sensitive areas, should be managed in a way that they fulfil the requirements of nature and biological diversity conservation and comply with the existing regulations on conservation and sustainable use of species.

Where existing tourism activities **exceed the carrying capacity**, all efforts should be made to **reduce negative impacts from tourism activities** and to take measures to restore the degraded environment.

The SG report E/CN.17/1999/5, 1999, Para 33;

The concept of carrying capacity should adequately reflect the ability of a local community to absorb tourists without submerging or overwhelming the local culture.

CSD7 inter-sessional ad-hoc working group, 1999, Para 7 and 22;

There is a need to **control the rate of growth** of the tourism sector in order to preserve the natural and cultural legacy, heritage and integrity of tourism destinations as well as the social and cultural norms of society, particularly among the indigenous communities.

An important consideration in sustainable tourism development is the **tourist carrying capacity of host destinations in both environmental and social terms** which should adequately reflect the ability of a local community to absorb tourists without submerging or overwhelming the local culture and its natural resources.

CSD7 multi-stakeholders dialogue E/CN.17/1999/20, 1999, Para 11, and 27;

Identifying the limits to social and environmental carrying capacity in tourism destinations was highlighted as an important priority.

It was agreed that local authorities and local communities must play the key role in determining their "carrying capacity" for tourism development. There should not be a globally imposed limit and decisions should be based on multi-stakeholder processes at the local level. Different locations will face different requirements and problems. Considerations of carrying capacity should include economic, social, cultural and environmental dimensions.

UNEP Draft Principles, 2000, 2.a and 2.c

Support work to define carrying capacity and other key research needs which help to put in place mechanisms to manage tourism within environmental limits of acceptable change.

Ensure that tourism development remains within national and local plans for both tourism and for other types of activity by implementing effective carrying capacity programmes, planning controls and management.

#### Limitations

The principle of carrying capacity often calls for a restriction on tourism to avoid cultural and environmental degradation. This concept confronts the right to free access and is challenged by tourism industry.

However the main constraints for the application of this principle are first the feasibility of the identification of scientifically sound carrying capacity figures, and second the extent of its influence in nature based tourism management.

#### Final proposal

Parties shall consider the environmental and socio-cultural carrying capacity of nature based tourism destinations in their tourism policy and strategy (SIDS tourism conference part I, 2) by;

- Keeping the ratio of the visitor population to the local population at an acceptable level (BPOA Annex II part 8)
- A Gradual process of nature based tourism development with in the limitation of the local infrastructure (EC Re. 94.7 Art. 5)
- respecting the scale, nature, character and capacity of the local physical and social environment of the area; (EC Re. 94.7 Art.8)
- respecting the natural resource and landscape quality, historic and archaeological heritage, and cultural identity of the area; (EC Re. 94.7 Art.8, WTO, 3)
- managing the tourist flow through, inter alia, staggering the tourist season and easing pressure on certain areas (EC Re. 94.7 part II)

- increasing awareness of the social, cultural, economic, and environmental costs and benefits of nature based tourism for the local community (CSD 7/3 3f)
- preserving the natural and cultural legacy, heritage and integrity of the area (CSD7 ad-hoc para7)
- protecting the social and cultural norms of indigenous and local communities(CSD7 ad-hoc Para22)

Each party, with close consultation with the local community, shall identify and define the carrying capacity of nature based tourism areas to manage tourism with in cultural and environmental limits of acceptable change. (UNEP Draft 2.a)

## **Principle XX**

### Constitutional area;

Principle of the obligatory restoration of disturbed ecosystem

### Thematic priorities

This principle addresses the need for mandatory rehabilitation and restoration of degraded and damaged environment caused by careless development and utilisation.

### Back ground (inhibiting factors)

CBD, 1992, Article 10d and 10e;

Each Contracting Party shall, as far as possible and as appropriate:

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-1, and p;

National authorities should ensure that sites harmed by excessive tourism are restored as appropriate;

Consider the possibility of introducing sanctions penalising those responsible for activities harmful to the environment, geared above all to preventing harm; these should include sufficient levels of compensation to be paid by developers for the repair of any damage caused during the development phase.

Council of Europe Recommendation No R (94) 7, 1994, Preamble;

Convinced of the need to establish a general framework in order to safeguard and restore the quality of the environment, which is the prime resource of tourism,

Council of Europe Recommendation No R (97) 9, 1997, Article 1c;

Promote the rehabilitation of degraded coastal resorts.

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 20;

Forestall the possible decline of the mature tourism coastal zones by promoting Concerted Integral Rehabilitation Plans with the local community and the private sector: improved integration in the surroundings, the modernization and diversification of the tourism product, the recovery of urban and environmental quality, restoration of tourism installations and marketing of a new image.

#### Existing proposals

UNEP Draft Principles, 2000, Para 1.c

Use integrated management approaches to carry out restoration programmes effectively in areas that have been damaged or degraded by past activities.

#### Limitations

Lack of a sufficient internationally accepted framework based on international environmental law to address appropriately remedial action and compensation for the damage caused by negligent use of natural and biological resources.

#### Final proposal

Each party shall establish integrated management approaches;

- i. to identify the damaged or degraded zones in nature based tourism areas;
- ii. to carry out restoration programmes and support the local community in implementing effective remedial action in these zones;
- iii. to conduct joint research with the tourism industry and environmental groups on the causes of damage and develop methods to avoid future harm;
- iv. to introduce sanctions, including the suspension of permits, and penalise the perpetrators and developers responsible for harm including sufficient levels of compensation.

## **Principle XXI**

### Constitutional area

Principle of the restrained development of fragile ecosystems

### Thematic priorities

This principle highlights the need to control, manage and restrain developmental activities in sensitive areas and fragile ecosystems by setting appropriate policy frameworks

### Back ground (inhibiting factors)

CBD, 1992, Article 14 and 8f;

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimise such danger or damage; and

(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate

and agreed by the States or regional economic integration organisations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal

Each Contracting Party shall, as far as possible and as appropriate: (f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

Tourism has contributed much to the development of SIDS and, as one of only a few development options for those small States, will continue to be very important for their future growth. It could also stimulate the development of other sectors. However, if not **properly planned and managed**, tourism could significantly degrade the environment on which it is so dependent. **The fragility and interdependence of coastal zones and the unspoilt areas on which eco-tourism depend** calls for **careful management**.

Barbados Declaration, 1994, Part II, Para III;

The international community has a responsibility to facilitate the efforts of SIDSs to **minimise the stress on their fragile ecosystems**, including through cooperative action and partnership.

Council of Europe Recommendation No R (94) 7, 1994, Preamble;

Underlining that the relationship between tourism and the environment is a delicate one;

Aware of the threats posed to the natural and landscape environment and local populations and cultures by the excessive and uncontrolled development of tourism;

Observing that levels of tourism development and fragility of the areas concerned vary from one country to another and even from one region to another;

Council of Europe Recommendation No R (94) 7, 1994, Article 7;

**Tourism activities and amenities** should be located in carefully chosen areas so as **to restrict development in sensitive regions**. Wherever possible, before building any new amenities, the

possibility of **using, modernising or rehabilitating existing infrastructures** should first be considered;

Council of Europe Recommendation No R (95) 10, 1995, Preamble;

Aware nevertheless of the potential destruction which excessive tourist pressure and certain harmful practices may cause in protected areas,

Recommend that the governments of member states:

- a.* maintain, wherever necessary and possible, strictly protected areas, the sole purpose of which is to serve the needs of scientific research;
- b.* with regard to other protected areas, take appropriate measures to encourage sustainable tourism which respects the heritage of those areas, based on the principles and guidelines contained in the appendix to this recommendation;

Manila Declaration, 1997, Principle 9;

Take into account the importance of tourism in the context of Agenda 21, for tourism is a major source of development but like other sectors, it uses resources and generates wastes and in the process creates not only social and cultural but also environmental costs and benefits, of which the effects on biodiversity and fragile eco-systems like coral reefs, archaeological sites, mountains, coastal areas and wetlands constitute a particular concern and pose the imperative of having the world celebrate and, more importantly, observe the tenets of eco-tourism;

Decision 7/3 of CSD7, 1999, Para 7;

The Commission invites relevant agencies, particularly the International Maritime Organisation, to evaluate whether **existing regulations on marine pollution** and compliance with them are sufficient to provide **adequate protection to fragile coastal zones** from adverse impacts as a result of **tourist vessel** activities.

Global Code of Ethics, WTO, 1999, Article 5.3;

Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions, for which tourism often represents a rare opportunity for development in the face of the decline of traditional economic activities;

World Summit on Sustainable Development, 2002, Chapter 64 (b);

Establishing and supporting national and cross-border conservation areas to promote ecosystem conservation according to the ecosystem approach, and to promote sustainable tourism;

#### Existing proposals

Agenda 21 for Travel and Tourism, 1996, Part I, Principle 4;

Guide tourism development in particularly sensitive or protected areas; in some instances, this may include recommending a full environmental impact assessment prior to the development decision or even advising against any development

International Conference on Sustainable Tourism in SIDS, 1997, Part II, 15, 16 and 19;

Make tourism compatible with the conservation of the main ecosystems (coral reefs, mangrove forests, land forests...), bio-diversity and natural resources. This requires the integration of tourism in regional planning and development geared to conserving the island's most valuable natural, rural and urban sites. The creation of Parks and Protected Sites is a suitable and compatible measure which serves to increase the value of tourism in the islands.

Anticipate measures for the conservation and sustainable development of the most vulnerable areas and those under the most pressure, particularly coastal zones, where specific coastal management plans and integrated systems should be developed. Assess tourism projects, create "coastal reserves", conserve coastal ecosystems and biodiversity, harmonise the coexistence of tourism with all the other activities, and establish a mutually beneficial relationship with the interior of the island.

Suitably regulate the creation of new coastal facilities and nautical tourism activities. In the first case, this involves making a preliminary evaluation of any activity which, like sports centres, marinas, etc., is liable to distort the coastal dynamics with unpredictable long-term effects; in the second, it involves regulating activities which, like diving, fishing, etc., may have a negative effect on the conservation of habitats and the biodiversity of island coasts.

Berlin Declaration, 1997, Para 16, 17 and 18

Tourism should be restricted, and where necessary prevented, in ecologically and culturally sensitive areas. All forms of mass tourism should be avoided in those areas.

Tourism in protected areas should be managed in order to ensure that the objectives of the protected area regimes are achieved. Wherever tourism activities may contribute to the achievement of conservation objectives in protected areas, such activities should be encouraged and promoted, also as cases to test in a controlled manner the impact of tourism on biodiversity. In

highly vulnerable areas, nature reserves and all other protected areas requiring strict protection, tourism activities should be limited to a bearable minimum.

In coastal areas all necessary measures should be taken to ensure sustainable forms of tourism, taking into account the principles of integrated coastal area management. Particular attention should be paid to the conservation of vulnerable zones, such as small islands, coral reefs, coastal waters, mangroves, coastal wetlands, beaches and dunes.

CSD7 multi-stakeholders, 1999, chairman summary E/CN.17/1999/20 Para 29, and 36;

There were real biophysical limits to capacity in any particular location as well as cultural limits that should be determined at the local level by the local community. The need for decisions to be made at a local level through a multi-stakeholder process with regard to national and international frameworks was endorsed. Non-governmental organisations proposed the establishment of a multi-stakeholder group at the international level to advise on the planning and implementation of a fully integrated process of coastal tourism development and offered to launch this mechanism in collaboration with government, industry, trade unions and other major groups. New tourism developments should be required to include all relevant sustainable development considerations, including design and implementation of a comprehensive waste management programme.

Local authority representatives proposed that regional coastal management agencies be established, where appropriate, to act as a mechanism for managing coastal area planning. Alternatively, private foundations or non-governmental organisations could take the lead. They also called for a shift from a **growth-based economic model to a steady state model**.

#### Limitations

To launch an active nature based tourism business, the tourism industry and government authorities need to establish appropriate facilities including infrastructural facilities, accommodation and recreational centres within or nearby the attraction sites. These sites are normally located within fragile ecosystems and therefore apply conservation restraints.

#### Final proposal

Underlining that the relationship between the environment and nature based tourism is delicate (EC Re. 94, 7) and being aware of the potential destruction which excessive tourist pressure and certain harmful practices may cause in nature based tourism areas; (EC Re. 95.10, preamble)

Parties shall carefully manage any development in the fragile and interdependent ecosystem and unspoilt zones of nature based tourism areas on which nature based tourism depends. (Barbados

POA, Annex II Part 4) Any tourism activities and amenities in these areas shall be located in carefully chosen areas so as to restrict development in sensitive zones (EC Re.94.7) and tourist activities shall be limited to a bear minimum.

Each party shall employ prior EIA procedures on any proposed projects within the nature based tourism areas. The appropriate procedures shall be introduced in order to assess the likelihood of significant adverse impact on the buffer zones of the area. (CBD, Art. 14. a, and b)

Parties, on the basis of reciprocity, shall promote regional arrangements to notify, exchange information and consultate on the activities within shared nature based tourism area under their jurisdiction or control. (CBD, Art. 14.c)

Each Party shall rehabilitate and restore degraded ecosystems within nature based tourism areas and their buffer zones and promote the recovery of threatened ecosystems, inter alia, through the development and implementation of plans or other management strategies. (CBD, Art 8.f)

Parties shall establish and support national or shared nature base tourism areas in harmony with the ecosystem approach to promote sustainable tourism and the conservation of the area. (WSSD Chp.64.b)

Parties shall change, as far as possible and as appropriate, from a growth based-economic model in nature based tourism business to a steady state model aimed at a rational and reasonable approach towards conservation, sustainable use of natural resource and protection of the cultural diversity of the local community (CSD chairman summery E/CN.17/1999/20 para36)

## Principle XXII

### Constitutional area

#### Principle of Common Natural Heritage

### Thematic priorities

This principle addresses the need for collective protection of natural heritage of outstanding universal values. Natural heritage is defined by Article 2 of 1972 World Heritage Convention as;

(a) Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

(b) Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

(c) Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

### Back ground (inhibiting factors)

World Heritage Convention, 1972, preamble and Article 4;

Considering that deterioration or disappearance of any item of **the cultural or natural heritage** constitutes a **harmful impoverishment** of the heritage of **all the nations** of the world;

Each State Party to this Convention recognises that the **duty of** ensuring the identification, **protection, conservation, presentation** and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, **belongs primarily to that State**. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

World Heritage Convention, 1972, Article 5;

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

- a. to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- b. to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- c. to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- d. to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- e. to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

World Heritage Convention, 1972, Article 6.1 and 6.3;

Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognise that such heritage constitutes a **world heritage** for whose protection it is the **duty of the international community** as a whole to cooperate.

Each State Party to this Convention **undertakes not to take any deliberate measures** which might **damage** directly or indirectly the cultural and **natural heritage** referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Barbados Declaration, 1994, Part I;

Small island developing States have sovereign rights over their own natural resources. Their biodiversity is among the most threatened in the world and their ecosystems provide ecological corridors linking major areas of biodiversity around the world. They bear responsibility for a significant portion of the world's oceans and seas and their resources. The efforts of SIDS to conserve, protect and restore their ecosystems deserve international cooperation and partnership.

Global Code of Ethics, WTO, 1999, Article 3.4;

Tourism infrastructure should be designed and tourism activities programmed in such a way as to protect the natural heritage composed of ecosystems and biodiversity and to preserve endangered

species of wildlife; the stakeholders in tourism development, and especially professionals, should agree to the imposition of limitations or constraints on their activities when these are exercised in particularly sensitive areas: desert, polar or high mountain regions, coastal areas, tropical forests or wetlands, propitious to the creation of nature reserves or protected areas;

#### Existing proposals

Draft international covenant on environment and development, IUCN, 2000, Article 22;

Parties shall take all appropriate measures to conserve or rehabilitate cultural and natural monuments, and areas, including Antarctica, of outstanding scientific, cultural, spiritual, or aesthetic significance and to prevent all deliberate measures and acts which might harm or threaten such monuments or areas.

#### Limitations

Here, the main constraint is the lack of advanced framework for the definition and recognition of natural heritage at national level. There is also a need to develop appropriate criteria at international level, based on the previous achievement of international community, to facilitate and support national authorities on their endeavours to identify and classify natural heritage and preserve and ported them in suitable manner.

#### Final proposal

Each party shall adopt a policy framework to provide nature based tourism areas a functional role in local community life, to integrate protection procedures, and to facilitate the satisfaction and enjoyment of the visitors. (WHC, Art. 5. a)

Each party shall take appropriate legal, scientific, technical, administrative and financial measures to identify, classify, protect, conserve, preserve, and the rehabilitate cultural and natural heritage within the nature based tourism area. (WHC, Article 5.d, IUCN Art. 22). Nature based tourism areas comprise world heritage sites, shall be considered as a nature based tourism heritage areas and their protection, without prejudice to the sovereignty rights of the parties, and is the duty of international community. (WHC Art.6.1) These areas shall be designated as a natural reserve, devoted to peace and science and enjoyment of human kind (Madrid protocol Art.2) the Conference of the parties may decide on the areas to be nominated based on the recommendation of the Committees of Experts and through appropriate procedures.

Parties shall cooperate to establish national and regional centres for training in protection and sustainable use of nature based tourism areas and thier natural and cultural heritage. (WHC, Art. 5e)

Each Party undertakes not to take any deliberate measures which might damage directly or indirectly the national or shared nature based tourism areas referred to in Article III and its components including cultural and natural heritage. (WHC, Article 6.3)

Parties shall support and encourage, by all means including financial and technical support, the effort of each party to conserve, protect, and restore damaged natural and cultural heritage through international cooperation and partnership. (BPOA, Part I)

Parties, with the consultation of major stakeholders, shall design nature based tourism infrastructures and activities in a way to avoid any damages to the natural and cultural heritage of nature based tourism areas. (WTO, Article 3.4)

## Principle XXIII

### Constitutional area

#### Principle of Cultural Heritage and Landscape

### Thematic priorities

The aims of this principle is to promote landscape protection, management and planning, within the nature based tourism areas and their buffer zone and retain its harmony with the cultural and natural heritage of the area.

### Back ground (inhibiting factors)

World Heritage Convention, 1972, preamble;

Noting that the cultural heritage and **the natural heritage** are increasingly threatened with **destruction** not only by the traditional causes of decay, but also **by changing social and economic conditions** which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that **parts of the cultural or natural heritage** are of outstanding interest and therefore need to **be preserved** as part of the **world heritage of mankind** as a whole,

Considering that, in view of the magnitude and gravity of **the new dangers threatening** them, it is incumbent on **the international community** as a whole to participate in the **protection** of the cultural and **natural heritage of outstanding universal value**, by the granting of **collective assistance** which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,

World Heritage Convention, 1972, Article 6.2;

The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

Madrid Protocol to the Environmental Protection to the Antarctic Treaty, 1991, Article 2;

The Parties commit themselves to the **comprehensive protection of the Antarctic environment** and dependent and associated ecosystems and hereby designate **Antarctica as a natural reserve**, devoted to peace and science.

Council of Europe Recommendation No R (94) 7, 1994, Preamble;

Acknowledging that tourism is a factor in bringing peoples together, forging a European identity and heightening awareness of the value of their natural and cultural heritage;

Noting a growing interest in all forms of tourism associated with the discovery and knowledge of the natural and cultural heritage;

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-a;

National authorities should preserve areas designated as vulnerable by following a policy of land use control and through purchase, renting and management agreements;

#### Existing proposals

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 19 (E/CN.17/1999/6/Add.11);

Integrated and environmentally and culturally conscious tourism planning can make tourism compatible with the conservation of the main ecosystems and with the preservation of historical-cultural heritage.

The European Charter for sustainable tourism in protected areas, 1995, Principle 3;

Tourism in protected areas shall new development opportunities appropriate to the environment and the local character such as the conversion of abandoned buildings. Where appropriate, schemes should be defined to encourage those who benefit from tourism to participate on a voluntary basis in the re-conservation or the enhancement of the natural and cultural heritage.

European Landscape Convention, 2000, Article 5;

Each Party undertakes:

a to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;

b to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures set out in Article 6;

c to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph *b* above;

d to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

Draft Covenant on International Environment and Development, 2000, Article 32(3);

All Parties involved in **armed conflicts** shall take the **necessary measures to protect natural** and cultural sites of special interest, in particular sites designated for protection under applicable international treaties, as well as potentially dangerous installations, from being subject **to attack as a result of armed conflict, insurgency, terrorism, or sabotage**. Military personnel shall be instructed as to the existence and location of such sites and installations.

#### Limitations

This principle is always challenged by developers and planners because it limits the space available for development projects within the cultural and natural heritage, protected areas, and the national parks and their buffer zones.

#### Final proposal

Noting that nature based tourism, more than any other form of tourism, is a factor in bringing peoples together, inducing pride in the culture and identity of local communities, and heightening awareness of the value of their natural and cultural heritage ;( EC, Re 94.7 preamble)

Each party shall undertake the establishment and implementation of landscape policies so as to be mutually supportive with the cultural and natural heritage policies of nature based tourism area and its buffer zones. (WHC, Art. 6.2 and EU Landscape Convention Atr.5. b)

Each party shall integrate landscape protection, management and planning into its regional nature based tourism policies and its environmental, social, and cultural policies as well as any town planning policies in the adjacent areas to the nature based tourism areas and buffer zones. (European Landscape Convention, Art. 5. d)

## **Principle XXIV**

### Constitutional area;

#### Principle of Preservation of cultural identity

### Thematic priorities

This principle undertakes the need to respect preserve and support the identity, integrity and legacy of local and indigenous cultures in destinations

### Back ground (inhibiting factors)

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-m;

National authorities should diversify what is on offer for tourists by encouraging new types of activities as alternatives to mass tourism, based on an interest in the country concerned and knowledge of its heritage, culture and way of life;

Charter for Sustainable Tourism, 1995, Lanzarote, Para 3;

Tourism must consider its effects on the cultural heritage and traditional elements, activities and dynamics of each local community. Recognition of these local factors and support for the identity, culture and interests of the local community must at all times play a central role in the formulation of tourism strategies, particularly in developing countries.

Council of Europe Recommendation No R (95) 10, 1995, Part I b;

Authorities responsible for the management of protected areas should promote the use of protected areas for tourism which respects the intrinsic value of each area, with supervision measures in keeping with its natural and cultural characteristics. To this end, it is advisable to develop forms of tourism based on: Respect for the social and cultural identity of the local populations;

Global Code of Ethics, WTO, 1999, Article 1.1, 1.2, 4.2, and 4.4;

The understanding and promotion of the ethical values common to humanity, with an attitude of tolerance and respect for the diversity of religious, philosophical and moral beliefs, are both the foundation and the consequence of responsible tourism; stakeholders in tourism development and tourists themselves should observe the social and cultural traditions and practices of all peoples, including those of minorities and indigenous peoples and to recognise their worth;

Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and in respect for their laws, practices and customs;

Tourism policies and activities should be conducted with respect for the artistic, archaeological and cultural heritage, which they should protect and pass on to future generations; particular care should be devoted to preserving and upgrading monuments, shrines and museums as well as archaeological and historic sites which must be widely open to tourist visits; encouragement should be given to public access to privately-owned cultural property and monuments, with respect for the rights of their owners, as well as to religious buildings, without prejudice to normal needs of worship;

Tourism activity should be planned in such a way as to allow traditional cultural products, crafts and folklore to survive and flourish, rather than causing them to degenerate and become standardized;

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 17;

Pay special attention to making tourism compatible with the conservation-valuation of the historical-cultural heritage of each island, considering not only its protection for preventive purposes, but also its possible recovery as a responsibly managed tourism resource which is open to the local population.

Global Code of Ethics, WTO, 1999, Article 2.1;

Tourism, the activity most frequently associated with rest and relaxation, sport and access to culture and nature, should be planned and practised as a privileged means of individual and collective fulfilment; when practised with a sufficiently open mind, it is an irreplaceable factor of self-education, mutual tolerance and for learning about the legitimate differences between peoples and cultures and their diversity. Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial forms of tourism, which deserve encouragement;

Manila Declaration, 1997, Principle 3;

Ensure that tourism development planning preserve the legacy, heritage and integrity of tourism destinations worldwide and respect the social and cultural norms of society, particularly among the indigenous communities and to this end, control the rate of growth of the tourism sector where it may jeopardise local communities and social values;

Malmö declaration, 2000, preamble and Article 18;

Also conscious that success in **combating environmental degradation** is dependent on the full participation of all actors in society, an aware and educated population, **respect for ethical and spiritual values and cultural diversity, and protection of indigenous knowledge**

We must pay special attention to threats to cultural diversity and traditional knowledge, in particular of indigenous and local communities, which may be posed by globalisation. In this context we welcome the proclamation by the United Nations General Assembly of the year 2001 as the International Year of Dialogue among Civilizations.

World Summit on Sustainable Development, 2002, Chapters 41 (d), 52(g), and 64(c);

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**,

Develop community-based initiatives on sustainable tourism by 2004, and build the capacities necessary to diversify tourism products, while protecting culture and traditions, and effectively conserving and managing natural resources;

Respecting local traditions and cultures and promoting the use of indigenous knowledge in natural resource management and eco-tourism;

World Summit on Sustainable Development, 2002, Chapter 5;

Peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as **respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all.**

#### Existing proposals

Quebec Declaration, 2002, Preamble;

Acknowledge that ecotourism development must consider and respect the land and property rights, and, where recognised, the right to self-determination and cultural sovereignty of indigenous and local communities, including their protected, sensitive and sacred sites as well as their traditional knowledge,

Quebec Declaration, 2002, Recommendation 2, 27;

Guarantee -in conjunction with local and indigenous communities, the private sector, NGOs and all ecotourism stakeholders- the protection of nature, local and indigenous cultures and specially traditional knowledge, genetic resources, rights to land and property, as well as rights to water;

(Private sector should) Work actively with indigenous leadership and local communities to ensure that indigenous cultures and communities are depicted accurately and with respect, and that their staff and guests are well and accurately informed regarding local and indigenous sites, customs and history;

### Limitations

Mass tourism is a direct threat to the cultural richness of local and indigenous communities. This principle has a meaningful linkage with the principle of carrying capacity and should be analysed with the principle of the participation of the local community in the management of destinations.

### Final proposal

Parties shall ensure that nature based tourism development and activities preserve and support the legacy, heritage and integrity of destinations worldwide and respect ethical, spiritual and religious values, cultural diversity, traditions and practices, the protection of traditional knowledge, cultural and artistic products, to increase mutual tolerance, self-education, and understanding of the legitimate diversities of cultures. (Manila Dec. 3 and WTO Art.2.1)

Parties shall take necessary measures to safeguard and support traditional cultural products, handicrafts, and folklore to avoid their degeneration and standardisation. (WTO, Art. 4.4, and EC, Re.94.7 Part II.1)

Parties shall encourage internal and regional visits to create an aware and educated population and increase national sensitivity to nation cultural and natural heritage and secure and sustainable income sources. (WSSD Chp. 41.d)

Private and public stakeholders in nature based tourism development must consider its effects on the cultural heritage and traditional elements, activities and dynamics of each local community. Respect of the social and cultural traditions, practices, laws, and customs of indigenous and local communities and support for its identity, and interests must at all times play a central role in the formulation of tourism strategies and plans, particularly in developing countries. (Charter for Sustainable Tourism, Lanzarote, 3 and WTO, Article 1). To this end the tourism industry and public authorities should promote the use of indigenous knowledge in nature based tourism

management (WSSD Chp. 64.c) and work actively with indigenous leadership and local communities so their culture is depicted accurately and with respect. (Quebec Dec. 27)

Tourism operators in nature based tourism areas shall respect the cultural sensitivities and needs of indigenous and local communities for privacy, and ensure their activities do not interfere with the daily routines and other activities of such communities. (Internal CBD-Document, 3.3)

Any tourism activity taking place within the indigenous and local community territories in the buffer zone of nature based tourism areas should maintain a balance between economic, social, cultural and environmental concerns, while maximising opportunities for the conservation and sustainable use of natural and biological resources, the equitable sharing of benefits and the recognition of traditional knowledge, and seek to minimise risks to biological diversity of these zones. (Internal CBD Document, 1.6)

## Principle XXV

### Constitutional area

#### Principle of Spatial Planning and Aesthetic Value of Nature

### Thematic priorities

The establishment of physical planning systems as a means of integrating environmental and developmental objectives should be based on the assumption that sustainable development requires maintaining the functions and carrying capacities of natural systems as well as integrated approach to land–use.

### Back ground (inhibiting factors)

Ramsar Convention, 1971, Article 3(1);

The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

Stockholm Declaration, 1972, Principles 13 and 14;

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an **integrated and coordinated approach to their development planning** so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

World Charter of Nature, 1982, Principle 9;

The **allocation of areas** of the earth to various uses shall be planned, and **due account** shall be taken of the **physical constraints, the biological productivity and diversity and the natural beauty** of the areas concerned.

Agenda 21, 1992, Chapter 10; Para 10.5;

The broad objective is to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to a sustainable and integrated management of land resources. In doing so, environmental, social and economic issues should be taken into consideration. Protected areas, private property rights, the rights of indigenous people and their communities and other local communities and the economic role of women in agriculture and rural development, among other issues, should be taken into account. In more specific terms, the objectives are as follows:

- (a) To review and develop policies to support the best possible use of land and the sustainable management of land resources, by not later than 1996;
- (b) To improve and strengthen planning, management and evaluation systems for land and land resources, by not later than 2000;
- (c) To strengthen institutions and coordinating mechanisms for land and land resources, by not later than 1998;
- (d) To create mechanisms to facilitate the active involvement and participation of all concerned, particularly communities and people at the local level, in decision-making on land use and management, by not later than 1996.

Agenda 21, 1992, Chapter 10, Para 10.7(a);

Governments at the appropriate level, with the support of regional and international organisations, should review and, if appropriate, revise planning and management systems to facilitate an integrated approach. To do this, they should:

- (a) Adopt planning and management systems that facilitate the integration of environmental components such as air, water, land and other natural resources, using landscape ecological planning (LANDEP) or other approaches that focus on, for example, an ecosystem or a watershed;
- (b) Adopt strategic frameworks that allow the integration of both developmental and environmental goals; examples of these frameworks include sustainable livelihood systems, rural development, the World Conservation Strategy/Caring for the Earth, primary environmental care (PEC) and others;
- (c) **Establish a general framework for land-use and physical planning** within which specialised and more detailed sectoral plans (e.g., for protected areas, agriculture, forests, human

settlements, rural development) can be developed; establish inter-sectoral consultative bodies to streamline project planning and implementation;

(d) Strengthen management systems for land and natural resources by including appropriate traditional and indigenous methods; examples of these practices include pastoralism, Hema reserves (traditional Islamic land reserves) and terraced agriculture;

Convention on Biological Diversity, 1992, Article 6(b);

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

Large increases in tourism and the over development of tourism in particular areas or in whole islands could be environmentally and culturally disruptive and detrimental to other valuable sectors, such as agriculture. It is imperative, therefore, that the development of tourism be carefully planned, particularly in relation to compatible land uses, water management, coastal zone management and the development of parks and protected areas. Tourism, like all forms of development in the coastal zone, needs to be carefully integrated within the existing cultural and environmental constraints and opportunities present within SIDS.

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

National action, policies and measures (should) **Adopt integrated planning and policies** to ensure sustainable tourism development, with particular attention to land-use planning and coastal zone management, requiring environmental impact assessments for all tourism projects; the continuous monitoring of the environmental impact of all tourism activities; and **the development of guidelines and standards for design and construction taking into account energy and water consumption, the generation and disposal of wastes and land degradation**, the proper management and protection of eco-tourism attractions, and the carrying capacity of areas for tourism.

Council of Europe Recommendation No R (95) 10, 1995, Part I e and Part II;

the existence of different types of protected areas, and the need to provide for a kind of tourism appropriate to the aims of each area and based on the key concept of carrying capacity;

The authorities responsible for regional and spatial planning should incorporate the protected area into a complete tourist development strategy.

Council of Europe Recommendation No R (97) 9, 1997, Article 1 b;

Planning the development of coastal and marine regions for tourism using spatial/regional instruments and town-planning and environment management documents, particularly comprehensive land-use plans.

Decision 7/3 of CSD7, 1999, Para 4(e);

The Commission calls upon the tourism industry to “design with nature” in collaboration with planning authorities, by using low impact designs, materials and technologies, so as not to damage the environmental or cultural assets that tourists seek to experience and that sustain the local community, and to undertake measures to restore tourist destinations with degraded environments;

Malmö declaration, 2000, Article 8;

It is necessary that the **environmental perspective** is taken into account in both the design and the assessment of macro-economic policy-making, as well as practices of government and multilateral lending and credit institutions such as export credit agencies.

#### Existing proposals

UNEP Draft Principles, 2000, Para 1.c, 2.a, 2.c;

Co-ordinate the allocation of land uses, and regulate inappropriate activities that damage ecosystems, by strengthening or developing integrated policies and management covering all activities, including Integrated Coastal Zone Management and adoption of an ecosystem approach. Maximise economic, social and environmental benefits from tourism and minimise its adverse effects, through effective coordination and management of development

Ensure that plans contain a set of development guidelines for the sustainable use of natural resources and land. Incorporate tourism planning with planning for all sectors and development objectives to ensure that the needs of all areas are addressed. (Tourism planning should not be undertaken in isolation).

Zone of land and marine as an appropriate mechanism to influence the siting and type of tourism development by confining development to specified areas where environmental impact would be minimised,

Agenda 21 for Travel and Tourism, 1996, Part I Principles 1, 4 and 7;

Overall destination equality is likely to be affected by poor management decisions, whether these are taken by the tourism industry or by other industries. The development of sustainable tourism relies on effective land use planning and management and resolution of land conflicts between industry and communities.

To develop and implement effective land-use planning measures that maximise the potential environmental and economic benefits Travel & Tourism while minimising potential environmental and cultural damage.

To deal with the multiple demands on land in an equitable manner, ensuring that development is not visually intrusive and contributes to conserving environment and culture while generating income,

Draft Declaration of Principles of Human Rights and the Environment, 1994, Principle 10, 11 and 13;

All persons have the **right to adequate housing**, land tenure and living conditions in a secure, healthy and ecologically sound environment.

All persons have the right not to be evicted from their homes or land for the purpose of, or as a consequence of, decisions or actions affecting the environment, except in emergencies or due to a compelling purpose benefiting society as a whole and not attainable by other means. All persons have the right to participate effectively in decisions and to negotiate concerning their eviction and the right, if evicted, to timely and adequate restitution, compensation and/or appropriate and sufficient accommodation or land.

Everyone has the right to preservation of unique sites, consistent with the fundamental rights of persons or groups living in the area.

Draft international covenant on environment and development, IUCN, 2000, Article 22;

Parties shall take all appropriate measures to conserve or rehabilitate cultural and natural monuments, and areas, including Antarctica, of outstanding scientific, cultural, spiritual, **or aesthetic significance** and to prevent all deliberate measures and acts which might harm or threaten such monuments or areas.

Draft international covenant on environment and development, IUCN, 2000, Article 21.1;

Parties shall take all appropriate measures to conserve biological diversity, including species diversity, genetic diversity within species, and ecosystem diversity, especially through in situ conservation. To this end, Parties shall:

- (a) Integrate conservation of biological diversity into their **physical planning systems**,
- (b) Establish a system of protected areas, where appropriate with buffer zones and interconnected corridors, and

Draft Covenant on International Environment and Development, IUCN, 2000, Article 34 Para 1, 2, and 3;

1. Parties shall establish and implement **integrated physical planning systems**, including provisions for infrastructure and town and country planning, with a view to integrating conservation of the environment, including biological diversity, into social and economic development.
2. In such planning, Parties shall take into account natural systems, in particular drainage basins, coastal areas and their adjacent waters, and any other areas constituting identifiable ecological units.
3. Parties shall take into account **the natural characteristics and ecological constraints of areas** when allocating them for agricultural, grazing, forestry, or other use.

#### Limitations

Indiscriminate tourism development can encourage intensive or inappropriate use of land, which can cause deforestation, soil erosion and loss of biological diversity. Intensive human interference with vegetation and wildlife through tourism can undermine or destroy traditional activities such as fishing and, perhaps more importantly, cause irreversible damage to valuable ecosystems. The growing market for nature based tourism is another area of concern. If not properly planned and managed, such new forms of tourism can threaten the world's most ecologically fragile areas, including parks and natural world heritage sites. Appropriate spatial planning could help to prevent such damage and preserve the aesthetic values and environmental and cultural assets of these areas.

## Final proposal

Without prejudice to the rights of the local community to adequate housing, (IUCN, 10) Parties shall adopt effective spatial and land use policies to protect and preserve the environmental and cultural assets and aesthetic values of nature based tourism areas, buffer zones and adjacent areas to avoid visual intrusion and minimise the potential environmental and cultural damage to the area. (Agenda 21 for Travel and tourism Part I)

Parties shall take due account of physical and natural constraints, the biological diversity, the landscape, natural beauty and aesthetic value of nature based tourism areas and its buffer zones in any development policy and planning of the area. (World Charter of Nature, 9) To do so, each party shall:

- Use appropriate landscape ecological planning (*LANDEP*) to facilitate the integration of natural resource components such as water, air, land and soil into the management planning system of nature based tourism area;
- Establish and implement integrated physical planning systems for nature based tourism areas, buffer zones and adjacent areas, with a view to integrating aesthetic values, landscape considerations, natural characteristics and ecological constraints of areas into the general spatial planning of the area. (IUCN, 34)
- Establish a comprehensive framework for land use and physical planning for the area, including zoning of land and sea as an appropriate mechanism to confine tourism development to specific areas. (Agenda 21, Chp 10.7 and UNEP draft 2,c)
- Incorporate nature based tourism area spatial planning into a complete tourist development strategy. (EC Re. 95.10)
- Carefully consider the constraints of other valuable sectors such as agriculture on tourism development in buffer zones and areas adjacent to the nature based tourism areas in relation to compatible land uses, water management, and waste disposal (BPOA Annex II Part 4) and incorporate tourism spatial planning in the planning of these sectors to ensure that the needs of all sectors are properly addressed. (UNEP draft 2.a)
- Use new methods and modes, achieved by recent research and proven environmentally sound technology, in spatial planning and land and natural resource management of the area and strengthen it by appropriate traditional and indigenous methods and modes; (Agenda 21, Chapter 10.7)
- Facilitate the active involvement and participation of all concerned, particularly communities and people at the local level, in decision-making on land use and management, (Agenda 21, 10.5 and IUCN 11)

Each party shall, in accordance with its particular conditions and capacities, integrate conservation and sustainable use of nature based tourism areas into relevant sectoral and cross-sectoral plans, programmes and policies. (CBD, Art. 6. b)

The tourism industry, in collaboration with planning authorities, shall endeavour to design with nature in mind in their physical planning by using low impact designs, materials and technologies, considering landscape constraints, and the aesthetic value of the site to protect and preserve environmental or cultural assets of the nature based tourism area that sustain the local community and satisfy tourists. (CSD 7/3, 4.e)

## Principle XXVI

### Constitutional area

#### Principle of Integrated Sustainable Nature Based tourism Planning

### Thematic priorities

This principle implies the integration of sustainable nature based tourism strategies, policies and planning to the overall national development plan.

### Back ground (inhibiting factors)

World Charter for Nature, 1982, Principle 7, and 16;

In the **planning and implementation** of social and economic development activities, due account shall be taken of the fact that the **conservation of nature is an integral part** of those activities.

**All planning** shall include, among its essential elements, the formulation of **strategies for the conservation of nature**, the establishment of **inventories of ecosystems and assessments** of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to **the public** by appropriate means in time to permit effective consultation and participation.

CBD, 1992, Article 10a;

Each Contracting Party shall, as far as possible and as appropriate: (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;

CBD, 1992, Article 6;

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Council of Europe Recommendation No R (94) 7, 1994, Article 9;

Therefore, where appropriate, every tourism project should:

- avoid creating additional **pressures on the environment**;
- encourage the use of **public and non-motorised transport**, as well as the most suitable technology for **saving water and energy, treating effluent and processing and recycling waste**;
- be accompanied by a **monitoring programme** to ensure that once in operation, the project keeps to its environmental commitments, and that unforeseen negative impacts are detected and dealt with immediately. Eco-audits should be carried out on large-scale developments;
- strive to **make visitors aware** of the need to protect the environment and the constraints that this protection entails.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-b, c and f;

National authorities should ensure that the various policies and decision-making levels are coherent and consistent. Tourism development is to be considered in terms of both the overall economy of a country and the local economy;

attempt to draw up an inventory of the country's cultural and natural resources and set up a legislative framework to enhance and protect them where necessary;

draw up a framework for integrated planning and resource management,

draw up a national tourism policy taking full account of the environment and defining the role and importance of tourism in the national economy; such a policy should be tied in with overall planning policy;

Council of Europe Recommendation No R (95) 10, 1995, Preamble;

Although the protected area may enhance the region's tourist interest, it is not the only tourist attraction and cannot, on its own, meet all the demands which people make on it. The following measures should thus be taken:

*a.* devise a strategy which makes the most of all the natural and cultural resources of a region and conduct environmental impact studies for all projects and programmes;

*b.* compile an inventory of the region's tourist resources and amenities, indicating the extent to which they are used by tourists, the visitor capacity of the region and the carrying capacity of the tourist sites;

c. define the role played by the protected area in the tourist development of the region, as well as its relationship to other tourist attractions;

d. analyse tourist demand, promote a wide range of tourist amenities, and organise a variety of activities for visitors;

e. call upon a broad range of expertise in devising this strategy, relying on disciplines other than those currently recognised;

f. accommodation and reception facilities and amenities should be situated, if appropriate, outside protected areas; the potential of the surrounding area will thus be enhanced, with the provision in particular of appropriate services and activities; the impact of the surrounding area on the protected area should be analysed.

Charter for Sustainable Tourism, 1995, Lanzarote, Para 5, 6, and 7;

The conservation, protection and appreciation of the worth of the natural and cultural heritage afford a privileged area for cooperation. This approach implies that all those responsible must take upon themselves a true challenge, that of cultural, technological and professional innovation, and must also undertake a major effort to create and implement integrated planning and management instruments.

Quality criteria both for the preservation of the tourist destination and for the capacity to satisfy tourists, determined jointly with local communities and informed by the principles of sustainable development, should represent priority objectives in the formulation of tourism strategies and projects.

To participate in sustainable development, tourism must be based on the diversity of opportunities offered by the local economy. It should be fully integrated into and contribute positively to local economic development.

Decision 7/3 of CSD7, 1999, Para 3i;

Promote a favourable framework for small and medium-sized enterprises, the major engine for job creation in the tourism sector, by reducing administrative burdens, facilitating access to capital and providing training in management and other skills, in recognition of the employment potential of sustainable tourism development.

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 21, 24 and 25;

Define key policies for STD in each SIDS or island (investment capital, infrastructure, water plan, environmental protection...) together with new priorities and programmes of action. Consider the suitability of creating a 'Sustainable Tourism Development Agency' in association with the private sector, in order to implement these policies and programmes.

Make available the financial resources required for sustainable tourism development, combining direct and indirect government action, joint measures with island private initiative, and scanning regional and international public and private banks for foreign capital. Promote linkages between tourism and the other economic sectors (including agriculture and fisheries), promoting a broad network of small and medium-sized local companies which multiply the economic spin-offs of tourism, extend the number of available small-scale services, and actively and beneficially integrate the local population. It should not be forgotten that the multiplier effect of tourism expenditure is economically, socially and environmentally far more interesting than the mere growth in visitor numbers.

Prior and flexible planning of investment in, and regulation of, tourism infrastructures to make them viable and ensure that they go hand in hand with tourism development, contribute their synergies with relation to island development, and minimise undesirable impacts. Refrain from attempting to resolve any excess in the destination's carrying capacity by simply increasing the number of infrastructures, since this will only contribute to magnifying degradation processes in the future.

Berlin Declaration, 1997, Para 6 and 10;

Policies and, where appropriate, legislation, environmental economic instruments and incentives should be developed to ensure that tourism activities meet the needs of nature and biological diversity conservation, including mobilising funding from tourism.

Tourism activities should be planned at the appropriate levels with a view to integrate socio-economic, cultural and environmental considerations at all levels. Development, environment, and tourism planning should be integrated processes. All efforts should be made to ensure that integrated tourism plans are implemented and enforced.

Council of Europe Recommendation No R (97) 9, 1997 Article 1 a;

Bringing a simultaneously global and local approach to planning programmes for coastal tourist development. These programmes should be the subject of discussion and cooperation between all

the institutional decision-makers, partners and communities concerned, and should be implemented:

- After having carried out an inventory of natural and cultural resources and an environmental assessment;
- taking into account the physical and social carrying capacity of the sites concerned, as well as their natural, landscape, cultural and socio-economic characteristics;
- making all development projects which are likely to have a significant effect on the environment subject to an impact study.

Council of Europe Recommendation No R (99) 16, 1999, Recommendation d;

Ensure that training programmes provide different tourism operators with as much information and as many practical tools as possible so that greater consideration can be given to the environment in the design and management of tourist facilities and activities, by making the necessary resources available, and foster alternative forms of tourism (eco-tourism, green tourism, etc);

Global Code of Ethics, WTO, 1999, Article 4.4, 5.2;

Tourism activity should be planned in such a way as to allow traditional cultural products, crafts and folklore to survive and flourish, rather than causing them to degenerate and become standardized;

Tourism policies should be applied in such a way as to help to raise the standard of living of the populations of the regions visited and meet their needs; the planning and architectural approach to and operation of tourism resorts and accommodation should aim to integrate them, to the extent possible, in the local economic and social fabric; where skills are equal, priority should be given to local manpower;

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part III, Principle 18;

All persons have the right to active, free, and meaningful participation in planning and decision-making activities and processes that may have an impact on the environment and development. This includes the right to a prior assessment of the environmental, developmental and human rights consequences of proposed actions.

UNEP Draft Principles, 2000, Para 1.a;

Ensure that tourism is balanced with broader economic, social and environmental objectives at national and local level by setting out a national tourism strategy that is based on knowledge of environmental and biodiversity resources, and is integrated with national and regional sustainable development plans.

Establish a national tourism strategy that is updated periodically and a master plan for tourism development and management.

Integrate conservation of environmental and biodiversity resources into all such strategies and plans.

Enhance prospects for economic development and employment while maintaining protection of the environment.

Provide support through policy development and commitment to promote sustainability in tourism and related activities.

UNEP Draft Principles, 2000, Para 1.d, 2.a, and 2.b;

Involve all relevant stakeholders in the development of sound management plans, and provide the organisation, facilities and enforcement capacity required for effective implementation of those management plans.

Conserve the environment, maintain the quality of the visitor experience, and provide benefits for local communities by ensuring that tourism planning is undertaken as part of overall development plans for any area, and that plans for the short-, medium-, and long-term encompass these objectives.

Incorporate tourism planning with planning for all sectors and development objectives to ensure that the needs of all areas are addressed. (Tourism planning should not be undertaken in isolation.)

Prevent ad hoc or speculative developments.

Promote development of a diverse tourism base that is well-integrated with other local economic activities.

UNEP Draft Principle, 2000, Para 1.c, 2.b, and 2.c;

Maximise economic, social and environmental benefits from tourism and minimise its adverse effects, through effective co-ordination and management of development. Adapt integrated management approaches that cover all economic activities in an area, including tourism.

Ensure that project proposals respond to regional development plans and guidelines for sustainable development.

Consider regional collaboration for integrated tourism development planning

Apply economic instruments, such as user fees or bonds.

Draft Guidelines on Sustainable Tourism Development in Vulnerable Ecosystems, CBD, 2003, Para 5, 7 and 10 (UNEP/CBD/SBSTTA/8/11);

In order to ensure coordination between the levels of decision-making in government departments and agencies concerned with management of biological diversity and tourism, inter- and intra-departmental and inter-organisational structures and processes should be established, if they do not already exist, to guide policy development and implementation.

A consultative process should be established to ensure ongoing and effective dialogue and information-sharing with stakeholders, as well as to resolve conflicts that might arise in relation to tourism and biological diversity and build consensus. To assist in this process, a multi-stakeholder body should be established including government departments, the tourism sector, non-governmental organisations, indigenous and local communities and other stakeholders, to ensure their engagement and full participation in the whole process, and encourage the establishment of partnerships.

To be sustainable, tourism development in any destination requires coordinated policy-making, development planning and management. The policy-making, development planning and management process comprises the following steps: (a) Baseline information and review; (b) Vision and goals; (c) Objectives; (d) Review of legislation and control measures; (e) Impact assessment; (f) Impact management and mitigation; (g) Decision-making; (h) Implementation; (i) Monitoring and reporting; (j) Adaptive management.

Quebec Declaration, 2002, Preamble;

Emphasise that at the same time, wherever and whenever tourism in natural and rural areas is not properly planned, developed and managed, it contributes to the deterioration of natural landscapes,

threats to wildlife and biodiversity, marine and coastal pollution, poor water quality, poverty, displacement of indigenous and local communities, and the erosion of cultural traditions,

Quebec Declaration, 2002, Recommendation 1, 8, 9, 33, 36, 37, 38;

Formulate national, regional and local ecotourism policies and development strategies that are consistent with the overall objectives of sustainable development, and to do so through a wide consultation process with those who are likely to become involved in, affect, or be affected by ecotourism activities;

Ensure the provision of technical, financial and human resources development support to micro, small and medium-sized firms, which are the core of ecotourism, with a view to enable them to start, grow and develop their businesses in a sustainable manner;

Define appropriate policies, management plans, and interpretation programmes for visitors, and earmark adequate sources of funding for natural areas to manage visitor numbers, protect vulnerable ecosystems, and the sustainable use of sensitive habitats. Such plans should include clear norms, direct and indirect management strategies, and regulations with the funds to ensure monitoring of social and environmental impacts for all ecotourism businesses operating in the area, as well as for tourists wishing to visit them;

(Private sector should) Formulate and implement company policies for sustainability with a view to applying them in each part of their operations.

(NGO's and academic communities should) Cooperate with public and private organisations ensuring that the data and information generated through research is channelled to support decision-making processes in ecotourism development and management;

Cooperate with research institutions to develop the most adequate and practical solutions to ecotourism development issues.

(International Organisation should) Develop and assist in the implementation of national and local policy and planning guidelines and evaluation **frameworks for ecotourism and its relationships with biodiversity conservation, socio-economic development, respect of human rights, poverty alleviation, nature conservation and other objectives of sustainable development**, and to intensify the transfer of such know-how to all countries. Special attention should be paid to countries in a developing stage or least developed status, to SIDS and to countries with mountain areas, considering that 2002 is also designated as the International Year of Mountains by the UN;

Draft international covenant on environment and development, IUCN, 2000, Article 13.2;

Parties shall ensure that environmental conservation is treated as an integral part of the planning and implementation of activities at all stages and at all levels, giving full and equal consideration to environmental, economic, social and cultural factors. To this end, Parties shall

- (a) Conduct regular national reviews of environmental and developmental policies and plans;
- (b) Enact effective laws and regulations which use, where appropriate, economic instruments; and
- (c) Establish or strengthen institutional structures and procedures to fully integrate environmental and developmental issues in all spheres of decision-making.

#### Limitations

The lack of an internationally agreed framework for drawing up suitable guidelines for all kinds of tourism activities in relation to nature and the environment is a major challenge facing many states, including developing countries, the tourism industry, as well as relevant international organisations. Some advanced countries in the nature based tourism business, such as Australia, and some relevant international organisations, such as CBD and WTO/OMT, tried to come up with a draft proposal to that end.

#### Final proposal

Each party shall undertake to formulate a nature based tourism strategy and plan as a part of their overall development plans and incorporate this with plans to conserve the environment, maintain the quality of visitor experience, and provide benefits for local communities within and adjacent to the nature based tourism areas while taking into account all environmental costs and benefits. (UNEP Draft, 2a, 2b) It should promote development of an economically well-integrated diverse tourism base and prevent ad hoc or speculative development. (UNEP Draft 2.1)

Parties shall ensure that the nature based tourism strategy and plan set out by the Article above is based on the carrying capacity of the cultural, environmental, natural and biological resources of the destination as well as its landscape, and socio-economic characteristics, and is balanced with national and local economic, social and environmental objectives. (UNEP Draft 1a)

Each Party shall formulate integrated management approaches, through a wide consultation process with all relevant and affected stakeholders, to implement the nature based tourism strategy and plan and provide appropriate arrangements to ensure that;

- Project proposals correspond to local and national development plans, are integrated to regional tourism plans, and consider undertaking of environmental impact studies for all projects and programmes
- Appropriate economic instruments such as user fees or bonds are applied;
- Coordination measures between various related governmental department including inter- and intra-departmental structures and procedures are established and well functioning.
- An appropriate consultation process is in place;
- Micro, small and medium sized firms are enabled to achieve safe, sound and sustainable growth and development in nature based tourism business with the provision of technical, financial and human resources support (Quebec Dec. 8) by, inter alia, reducing administrative burdens, facilitating access to capital and providing training in management and other skills, in recognition of the employment potential of sustainable tourism development.(CSD 7/3 3i)
- Tourism policies are applied in such a way as to help to raise the standard of living of the populations in the area and meet their needs (WTO 5.2)
- Policies, management plans, and interpretation programmes are appropriately defined for visitors;
- Monitoring and assessment of social and environmental impacts for all tourism businesses operating and tourists visiting in the nature based tourism area are carried out. (Quebec Dec 9)
- Tourist demands are sufficiently analysed, a wide range of tourist amenities are promoted, and a variety of activities for visitors are organised;(EC Re 95.10 Preamble)
- Cooperation with research institutions to develop the most adequate and practical solutions to nature based tourism development issues are well led and channelled to support the decision-making process. (Quebec Dec. 37,38)
- The inventories of ecosystems and cultural and natural resources of the area are appropriately drawn up. (EC Re. 94.7 Part II, 1c)
- Prior and flexible planning of investment in, and regulation of, nature based tourism infrastructures are properly addressed (SIDS sustainable tourism, Part II) and required financial resources are available.

To this end the establishment of a multi-stakeholder body, including government departments, the tourism industry, non-governmental organisations and environmental groups, indigenous and local communities, and researchers, are recommended, in a transparent way, to monitor sound management approaches and decision-making processes, to facilitate effective dialogue and information sharing , to resolve conflicts and develop consensus building, to ensure an appropriate level of local community engagement and participation, and to encourage the establishment of partnerships.(UNEP Draft 2c, and CBD Draft Para 7, Quebec Dec. 1)

In promoting and formulating national action plans on sustainable nature based tourism, parties should not undertake tourism marketing, business planning or product development prior to comprehensive assessment, planning, and benefit sharing systems being in place.

Parties shall establish a national action plan for nature based tourism, with the assistance of relevant international organisations and appropriate consultation with local community encompassing targets and time-tables, and update it as necessary, to meet the objective of this Covenant. (Draft international covenant on environment and development, IUCN, 2000, Article 35)

All stakeholders, including contracting governments, shall respect the indigenous and local community's right to active, free, and meaningful participation in planning and decision-making processes related to nature based tourism activities on their lands and territories and provide them with the appropriate facilities and enforcement capacity required for their effective participation. (Draft on Human rights and Environment Principle 18, and UNEP 1.d)

The tourism industry shall formulate and implement company policy in harmony with nature based tourism strategy and planning and with the integrated management approach set out by the host party. (Quebec Rec. 36)

## Principle XXVII

### Constitutional area

#### Participatory Principle and Partnership of all Stakeholders

### Thematic priorities

The principle of partnership addresses the need to provide an appropriate environment in which all stakeholders have the opportunity to conduct their affairs and hear and to be heard. The participatory principle also implies the need to have shared responsibility at all level and process.

### Back ground (inhibiting factors)

International Covenant on Civil and Political Rights, 1966, Article 25;

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections this shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

African Charter, 1981, Article 13.2 and 13.3;

Every citizen shall have the right of equal access to the public service of his country.

Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Rio Declaration, 1992, Principle 10;

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the **opportunity to participate in decision-making processes**. States shall facilitate and encourage public awareness and participation by

making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Rio Declaration, 1992, Principle 20, 21, 22:

**Women** have a **vital role** in **environmental management and development**. Their **full participation** is therefore essential to achieve sustainable development.

The creativity, ideals and courage of **the youth** of the world should be mobilised to forge a **global partnership** in order to achieve sustainable development and ensure a better future for all.

**Indigenous people** and their communities and other local communities have a **vital role** in **environmental management and development** because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

CBD, 1992, Article 10 and 13;

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- (b) Adopt measures relating to the use of biological resources to avoid or minimise adverse impacts on biological diversity;
- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and
- (e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

Barbados Declaration, 1994, Part I;

The special role of non-governmental organisations and the importance of a **partnership between Governments, intergovernmental organisations and agencies, non-governmental organisations and other major groups** in implementing Agenda 21 and the programme of action at the national, sub-regional, regional and international levels should be recognised. That

partnership should include efforts to increase public awareness of the outcomes and follow-up of the Global Conference on the Sustainable Development of Small Island Developing States through all available means of communication.

Barbados Declaration, 1994, Part II, Para III;

The international community has a responsibility to facilitate the efforts of SIDSs to **minimise the stress on their fragile ecosystems**, including **through cooperative action and partnership**.

The international community should **build new and equitable partnerships** for the sustainable development of SIDSs through the implementation of the POA and should send a powerful message to the world's peoples on the possibilities of joint action undertaken with a sense of common purpose and partnership.

Charter for Sustainable Tourism, 1995, Lanzarote, Para 4;

The active contribution of tourism to sustainable development necessarily presupposes the solidarity, mutual respect and participation of all the actors, both public and private, implicated in the process, and must be based on efficient cooperation mechanisms at all levels: local, national, regional and international.

19<sup>th</sup> UNGASS, Resolution 1997, A/S.19-2, 1997, Tourism part;

**Policy development and implementation** (in tourism) should take place in **cooperation with all interested parties**, especially the private sector and local and indigenous communities.

Berlin Declaration, 1997, Para 6;

All stakeholders including governments, international organisations, the private sector and environmental groups should recognise their common responsibilities to achieve sustainable forms of tourism.

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 13;

Seek, right from the start, a broad island consensus relative to the preparation and development of sustainable tourism strategies and policies. Develop for a based on institutional leadership, consultation with private players and partnership with social representatives. These fora provide an opportunity to establish joint agreements, as well as to negotiate solutions to conflicts between the different visions and interests of each social group.

Global Code of Ethics, WTO, 1999, article 3, and 9.6;

All the stakeholders in tourism development should safeguard the natural environment with a view to achieving sound, continuous and sustainable economic growth geared to satisfying equitably the needs and aspirations of present and future generations;

Partnership and the establishment of balanced relations between enterprises of generating and receiving countries contribute to the sustainable development of tourism and an equitable distribution of the benefits of its growth;

Malmö declaration, 2000, Article 10, 15, 16, and 17;

The role and responsibility of nations based on the Rio Principles, as well as the role and responsibility of the main actors including Governments, the private sector and civil society, must be emphasised in addressing the environmental challenges of the twenty-first century. Governments are the primary agents in this process, whose actions are vital in implementing United Nations environment-related instruments since Stockholm, institutional capacity building and strengthened international cooperation.

Civil society has found new and effective modes of expression of popular sentiments and concerns. It provides a powerful agent for promoting shared environmental purpose and values. Civil society plays an important role in bringing emerging environmental issues to the attention of policy makers, raising public awareness, promoting innovative ideas and approaches, and promoting transparency as well as non-corrupt activities in environmental decision-making.

The **role of civil society** at all levels should be strengthened through **freedom of access to environmental information** to all, broad participation in environmental decision-making, as well as access to justice on environmental issues. Governments should **promote conditions** to facilitate the ability of **all parts of society to have a voice and to play an active role** in creating a sustainable future.

Science provides the basis for environmental decision-making. There is a need for intensified research, **fuller engagement of the scientific community** and increased scientific cooperation on emerging environmental issues, as well as improved avenues for communication between the scientific community, decision makers and other stakeholders.

## Existing proposals

The SG report E/CN.17/1999/5, 1999, Para 42, and 60;

(Governments) have to direct their policies towards development of human resources, alleviation of poverty, improvement of social security, correction of gender and income disparities and promotion of core labour standards. Towards this end, a coordinated policy approach involving Governments, the private sector, non-governmental organisations, trade unions, host communities and international agencies is necessary to guarantee the achievement of social development objectives through tourism development.

It is vital that the tourism industry involve all stakeholders, customers, staff, trading partners and the host community, in decision-making. To this end, it should develop partnerships with the host community, Governments and their agencies, other private sector companies and international organisations in order to enhance the prospects for bringing about the sustainable development of tourism.

CSD7 multi-stakeholders dialogue E/CN.17/1999/20, 1999, Para 23;

Establishment of a multi-stakeholder working group was proposed and endorsed by several groups. It could work in collaboration with relevant United Nations agencies and organisations. It might consider such issues as (a) financial leakages and how to maximise benefits for local communities, (b) preparing a joint initiative to improve information availability and capacity building for participation, thus enabling communities to manage social and environmental change and (c) developing a plan to ensure indigenous peoples and other local communities their rights to land, water and other natural resources.

CSD7 inter-sessional ad-hoc working group, chairman summary E/CN.17/1999/20, 1999, Para 20;

Governments should promote partnerships between all stakeholders and that they can play an important role by encouraging, supporting and facilitating the involvement and commitment of all stakeholders, especially indigenous and local communities, in the planning, development and management of tourism.

UNDP Draft Principle, 2000, Para 4.a;

Increase the long-term success of tourism projects by involving all primary stakeholders, including the local community, the tourism industry, and the government, in the development and implementation of tourism plans.

Involve all primary stakeholders in the development and implementation of tourism plans, in order to enhance their success. (Projects are most successful where all main stakeholders are involved.)

Encourage development of partnerships with primary stakeholders to give them ownership shares in projects and a shared responsibility for success.

Draft international covenant on environment and development, IUCN, 2000, Preamble of part II;

In their actions to achieve the objective of this covenant and to implement its provisions, the Parties shall cooperate in a **spirit of global partnership**

Draft international covenant on environment and development, IUCN, 2000, Article 11.4;

Parties shall provide the public, including non-governmental organisations, local communities and indigenous peoples, with appropriate opportunities **to participate during decision-making processes** relating to the environment.

Draft international covenant on environment and development, IUCN, 2000, Article 12.4;

All concerned persons have the right to participate effectively during decision-making processes at the local, national and international levels regarding activities, measures, plans, programmes and policies that may have a significant effect on the environment.

Quebec Declaration, 2002, Preamble;

Stress that to achieve **equitable social, economic and environmental benefits** from **ecotourism** and other forms of tourism in natural areas, and to **minimise or avoid potential negative impacts**, **participative planning mechanisms** are needed that allow local and indigenous communities, in a transparent way, to define and regulate the use of their areas at the local level, including the right to opt out of tourism development,

Quebec Declaration, 2002, Recommendation 3, 41;

Ensure the involvement, appropriate participation and necessary coordination of all the relevant public institutions at the national, provincial and local level, (including the establishment of inter-ministerial working groups as appropriate) at different stages in the ecotourism process, while at the same time opening and facilitating the participation of other stakeholders in ecotourism-related decisions.

Furthermore, **adequate budgetary mechanisms and appropriate legislative frameworks need to be set up** to allow implementation of the objectives and goals set up by these multi-stakeholder bodies;

(International Organisation should) Incorporate multi-stakeholder dialogue processes into policies, guidelines and projects at the global, regional and national levels for the exchange of experiences between countries and sectors involved in ecotourism;

### Limitations

The participatory principle is categorised by the Draft Principle on Human Rights and the Environment as:

- the right to information concerning the environment,
- the right to receive and disseminate ideas and information;
- the right to participation in planning and decision-making processes, including prior environmental impact assessment;
- the right to freedom of association for the purpose of protecting the environment or the rights of persons affected by environmental harm;
- The right to effective remedies and redress for environmental harm in administrative or judicial proceedings. (Boyle & Bernie, 2000, International law & the environment, Page264, and UN Doc. E/CN.4/Sub.2/1994/9, p. 59)

Almost none of these rights are commonly recognised as a principle of international law, although many international instruments emphasise the need to observe the principle of partnership to achieve the objectives set out by state parties.

### Final proposal

Recognising that all stakeholders have the right to participate in decision-making processes at all levels to express their opinion regarding nature based tourism activities, measures, programmes, plans, and policies that may have a significant effect on their livelihood. (IUCN 12.4)

Parties shall promote participatory principles through partnerships between all stakeholders and provide them with appropriate opportunities to participate in policy formulation and the decision-making, and management process. They shall encourage and facilitate the involvement and commitment of all stakeholders in nature based tourism development and the implementation process to enhance their success by giving all stakeholders a shared responsibility for success. (CSD7 working group Para 22, UNEP Draft 4a, IUCN, 11.4)

Parties shall place priority on drawing up a coordinated policy approach involving all stakeholders and a participative planning mechanism to guarantee the achievement of social development objectives, including development of human resources, poverty alleviation, correction of gender and income disparities and promotion of labour standards and social security, through nature based tourism development. (SG report E/CN.17/1999/5)

To this end, each party shall establish a National Multi-stakeholders Body consisting of relevant groups including government, tourism industry, local community and indigenous people, civil society, women, scientific communities and academics, tourism workers, nature based tourism area managers, and tourism operators.

Parties shall set up appropriate legislative frameworks and inter departmental coordination bodies as well as adequate financial mechanisms to meet the objectives of the National Multi-stakeholders Body. (Quebec 41)

The National Multi-stakeholders Body (NMB) shall also address new and emerging concerns of the sector, financial leakage, improve information availability and raise public awareness, capacity building, and maximise benefits for the local communities to exercise their right to land, water, energy and other natural resources and access to justice on environmental issues. (CSD7 multi-stakeholders dialogue Para23) It should take into account appropriate procedures to establish joint agreements and reach a consensus, to set up balanced relations between enterprises of generating and receiving countries, to formulate an equitable distribution of the benefits, to promote innovative ideas and approaches, and promote transparency as well as non-corrupt activities in the nature based tourism decision-making process. (Malmo Dec. 15 and 16)

It shall also address the participative planning mechanisms that allow local and indigenous communities to achieve equitable social, economic and environmental benefits from nature based tourism and minimise or avoid its potential negative impacts on their resources. (Quebec Dec, Preamble)

Parties shall inform the COPs of the establishment of the NMB and introduce its three selected representatives to be members of the International Multi-stakeholders Body (IMB) as a consultative body of COPs. The appropriate functional procedures should be presented to the COPs for its consideration by the Committees of Experts at its first meeting. The IMB is a multidisciplinary (open-ended) multi-stakeholders advisory body and should address issues related to sustainable nature based tourism to provide timely and appropriate advice to the COPs.

Parties shall recognise the vital role of women and youth on the formation of sound and sustainable nature based tourism and duly support their full participation at all levels of the decision-making process. (Rio Dec. 20, 21)

Parties shall engage, to the fullest and possible extent, the scientific community and nature based tourism experts into the decision-making process through, inter alia, facilitating communication between the scientific community, decision makers and other stakeholders. (Malmo, Dec. 17)

## Principle XXVIII

### Constitutional area

#### Local Community and Destination Management

### Thematic priorities

This principle addresses the need for active participation and involvement of indigenous people and local communities on the decision-making process of nature based tourism.

### Back ground (inhibiting factors)

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

One of the special tourist attractions of Small Island developing States is the distinctiveness of their cultures. The diversity and fragility of their environments are reflected in the diversity and fragility of their cultures. The protection of the former is an important condition for the protection of the latter.”

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

National action, policies and measures (should) identify and develop facilities to meet specific niche markets, particularly in eco-tourism, nature and cultural tourism, and involve local populations in the identification and management of natural protected areas set aside for eco-tourism. (And) Adopt measures to protect the cultural integrity of Small Island developing States.

Council of Europe Recommendation No R (94) 7, 1994, Part II, B;

In order to implement the general principles local and regional authorities should:

- a. exercise control over tourist development with potentially significant environmental consequences through regional, local and urban planning policy and a policy of nature and landscape protection;
- b. establish local tourism plans, based on inventories of sites and biotopes and on their carrying capacity and social accommodation capacity as well as land use plans; local tourism plans should be integrated into overall local development plans, and local tourism development funding should be provided in the framework of these plans where appropriate;

c. make the issue of building permits contingent on requirements such as a guarantee of quality development and respect for the environment, and ensure that these criteria are respected;

d. work closely with all public and private-sector operators to ensure co-ordination between different tourism development projects, and maintain a regular, two-way flow of information.

Charter for Sustainable Tourism, Lanzarote, 1995, Para 6, 7 and 10;

In consultation with interested and affected parties, the preservation both of the quality of the tourist destination, and of the capacity to satisfy tourists, should be determined by local communities and should represent priority objectives in the formulation of tourism strategies and projects.

To be compatible with sustainable development, tourism must be based on the diversity of opportunities offered by its local economy. It should be fully integrated into and contribute positively to the local economic development.

In recognition of the objective of economic and social cohesion among the peoples of the world as a fundamental principle of sustainable development, it is urgent that measures be developed to permit a more equitable distribution of the benefits and burdens of tourism. This implies a change of consumption patterns and the introduction of ecologically honest pricing. Governments and multilateral organisations are called upon to abandon subsidies that have negative effects on the environment, and they are furthermore called upon to explore the application of internationally harmonised economic instruments to ensure the sustainable use of all resources.

Council of Europe Recommendation No R (95) 10, 1995, Part I c, and d;

Compatibility and the need to strike a balance between the competing aspirations and needs of local communities, tourist development and conservation; precedence must always be given to conservation interests whenever they cannot be reconciled with those of tourism;

The use of resources generated by tourism to promote measures to preserve and manage protected areas and adds to the well-being of the local population;

Decision 4/16 of the CSD, 1996, Para 26;

The Commission encourages SIDS to pursue policies of sustainable tourism development by:

(a) Diversifying the tourism product, enhancing its quality and increasingly targeting the upper segment of the tourist market;

(b) Strengthening linkages of other economic sectors with tourism so that domestic production can viably provide for the consumer needs of tourists to the maximum extent possible;

(c) Investing adequately in the collection of data on all relevant indicators of benefits and costs necessary for cost-benefit analysis in order to be able to carry out systematic evaluations of the contribution of the tourism sector to the domestic economy in relation to other sectors and in relation to social and environmental costs;

(d) Developing a multidisciplinary approach for the rigorous vetting of tourism development proposals, taking into account prospective cumulative impacts of tourism development, and establishing environmental standards for the approval of projects.

Berlin Declaration, 1997, Para 6;

All stakeholders should cooperate locally, nationally and internationally to achieve a common understanding on the requirements of sustainable tourism. Particular attention should be given to transboundary areas and areas of international importance.

Manila Declaration, 1997, Principle 1;

Support greater involvement of communities in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects within the context of national objectives and priorities, and for this purpose introduce community awareness campaigns to inform people of the benefits to be gained from tourism development;

Council of Europe Recommendation No R (97) 9, 1997, Article 5 a, b, and c;

a. Promoting forms of tourism which put the emphasis on "quality" and:

- respect the interdependence and complementary nature of the coastal area and hinterland;
- offer products other than those geared to seaside resorts, i.e. products which focus more on the natural, cultural and historical resources of the hinterland.

b. reorganising services in order to spread the tourist season over a longer period, to combat the summer overload which disrupts the social fabric, to use existing installations for a longer period, and to improve the employment situation.

c. reviewing the current mechanisms and strategies to market coastal areas and the products offered, placing greater emphasis on the promotion and valorisation of the diverse natural and

cultural assets of specific areas rather than focusing solely on the marketing of tourist accommodation and related services and facilities.

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The international community and SIDS should pursue and support (of) Establishment of partnerships for sustainable tourism to effectively conserve and utilise limited resources, based on consumer and market demand and the development of community-based initiatives. Destination marketing should preserve local culture and a healthy environment;

Global Code of Ethics, WTO, 1999, article 5.1;

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;

World Summit on Sustainable Development, 2002, Chapter 41;

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 Organisation 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.

World Summit on Sustainable Development, 2002, Chapter 41 (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,

World Summit on Sustainable Development, 2002, Chapter 52 (g), and 64 (d);

Develop community-based initiatives on sustainable tourism by 2004, and build the capacities necessary to diversify tourism products, while protecting culture and traditions, and effectively conserving and managing natural resources;

Assisting host communities in managing their tourism projects for maximum benefit, while limiting negative impact on their traditions, culture and environment;

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part II, Principle 14;

Indigenous peoples have the right to control their lands, territories and natural resources and to maintain their traditional way of life. This includes the right to security in the enjoyment of their means of subsistence.

Indigenous peoples have the right to protection against any action or course of conduct that may result in the destruction or degradation of their territories, including land, air, water, sea-ice, wildlife or other resources.

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, Para 12;

Enhance the economic benefits from tourism by: (i) diversifying the tourism product, enhancing its quality and increasingly targeting the upper segment of the tourist market; (ii) strengthening linkages of other economic sectors with tourism so that domestic production can viably provide for the consumer needs of tourists to the maximum extent possible; (iii) increasing the participation of nationals in the tourism sector by encouraging domestic investments and, as necessary, joint ventures with foreign investors so as to minimise the proportion of profits generated by the tourism sector that are repatriated by foreign investors; (iv) encouraging the maximum use of local materials in resort construction so as to reduce the imports of construction materials; (v) increasing investments in the training of local people for the tourist industry in order to reduce dependence on foreign entities, particularly in the area of overseas promotion and marketing, ground handling and domestic operation of tourism services; and (vi) minimising financial incentives granted to foreign investors, by reducing national risks.

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 18;

On economic instruments report the recommendations are;

"(i) Review and revise, as appropriate, existing taxes and subsidies to ensure that they are in fact conducive to sustainable development, and develop additional economic instruments to better internalise environmental costs, for example, fiscal incentives or grants or loans for creating or

improving the necessary environmental infrastructure, such as sanitation plants, existing facilities and deposit-refund systems for containers of beverages and other canned goods to discourage littering;

(ii) Develop and impose appropriate user fees for the use of national terrestrial and marine parks and reserves, and earmark the accrued receipts for purposes of improvement and management of sensitive areas;

(iii) Require the tourism industry, through appropriate user charges, to meet the full cost of freshwater it uses, and to contribute adequately to solid waste management and cleaning of beaches.”

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 18 & 19 (E/CN.17/1999/6/Add.11);

Experience has shown that integrating international tourism development with sustainable island development requires the ability to bring into play the following factors, among others, over the short and medium terms: (a) a social climate and natural and cultural tourism resources attractive to international tourists; (b) international/regional accessibility in terms of distance, time, price and adequate means of transport for the targeted tourism sector; (c) the capacity of infrastructure, services and accommodation quality to underpin suitable expansion of tourism activities in traditional or newly established tourism centres; (d) availability of investment capital for island tourism development; (e) human resources (businessmen, professionals, labour); and (f) political and operational preparedness to support tourism on the part of the island Government.

It is important to ensure that financial resources are available. This can be achieved through direct government policies, joint ventures with local private initiatives, and foreign investment from regional and international public and private banks.

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 21, 22 & 23 (E/CN.17/1999/6/Add.11);

Specific policies and measures for enhancing economic benefits from tourism include (a) diversifying the tourism product, enhancing its quality and increasingly targeting the upper segment of the tourist market; (b) strengthening linkages of other economic sectors with tourism so that domestic production can viably provide for the consumer needs of tourists to the maximum extent possible; (c) increasing the participation of nationals in the tourism sector by encouraging domestic investments, and, as necessary, joint ventures with foreign investors, so as to minimise the proportion of profits generated by the tourism sector that are repatriated by foreign investors; (d) encouraging the maximum use of local materials in resort construction so as to reduce the

imports of construction materials; (e) increasing investments in the training of local people for the tourist industry in order to reduce dependence on foreign entities, particularly in the area of overseas promotion and marketing, ground handling and domestic operation of tourism services; (f) minimising financial incentives granted to foreign investors, by reducing national risks.

Measures for coping with the adverse social and cultural impacts of tourism include (a) efforts to keep the ratio of the visitor population to the local population at an acceptable level through appropriate diversification of the tourism product and the tourist market, particularly if mass tourism has been promoted for a long time in the past; (b) effective educational programmes to raise the awareness of the local population about the good and bad aspects of tourism; (c) effective countrywide security measures against crime and drugs, particularly in areas most frequented by tourists.

Measures for coping with environmental impacts include (a) development of a multidisciplinary approach for rigorous vetting of tourism development proposals, taking into account prospective cumulative impacts of tourism development, and establishment of environmental standards for approval of projects; (b) appropriate review and revision of existing taxes and subsidies to ensure that they are in fact conducive to sustainable development, and development of additional economic instruments to better internalise environmental costs; (c) imposition of appropriate user fees for the use of national terrestrial land marine parks and reserves, and earmarking the accrued receipts for purposes of improvement and management of sensitive areas; (d) inducing the tourism industry, through appropriate user charges, to meet the full cost of freshwater that it uses, and to contribute adequately to solid waste management and cleaning of beaches; (e) implementing a sustainable marketing strategy in cooperation with all partners involved in the tourism industry; and (f) encouraging voluntary initiatives and adherence to codes of conduct by the business community.

Addendum report on sustainable tourism development in SIDS to the report of SG on the progress in the implementation of POA in SIDS, 1999, Para 4, 8 & 9 (E/CN.17/1999/6/Add.11);

In spite of the constraints encountered, many SIDS have established initiatives to balance tourism activities with broader economic, social and environmental objectives at the regional, national and local levels. In particular, major efforts have led to (a) the strengthening of regional cooperation on strategies, standards and capacity building for tourism, with the assistance of international institutions, the private sector and non-governmental organisations in the area of human and institutional capacity building; (b) increased use of user charges, particularly for environmental protection; (c) formulation of integrated national action plans, strategies and policies which include tourism, in particular its environmental aspects; (d) the establishment of frameworks that

allow local communities to participate and have greater control over tourism development in their localities.

The SG report E/CN.17/1999/5, 1999, Para 16, 20, 36, 40, 45, 46, 47;

Governments should also consult widely with host communities and concerned major groups to ensure that as broad a range of views as possible is incorporated into the planning process of tourism development. It is also important, in this regard, that Governments undertake capacity building to promote partnerships and enhance dialogue with all major groups in society.

It is important that the economic benefits of tourism be distributed widely among the host population. One way to do this is to encourage tourism businesses to employ local people and to limit the employment of expatriate labour. In this regard, tourism businesses should be encouraged to train local personnel.

The tourism industry needs to address how working conditions can be improved to provide greater job security and improved human resource development. The private sector and workers' organisations should support the International Labour Organisation process of tripartite cooperation as a means of promoting the participation of employers' and workers' organisations.

The private sector needs to invite and nurture host community participation in the tourism development process. Without host community acceptance of the type and scale of tourism, antagonism towards tourists and tourism can threaten overall development and sustainability objectives.

There is a significant role for the local community in deciding what it is prepared to offer, how its cultural patrimony is to be presented and which, if any, aspects of the culture are off-limits to visitors.

There should be support for greater involvement of communities in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects. Feelings of alienation and exploitation may arise where local communities are not involved in tourism development planning.

Community participation has to be linked to community benefits. Without the transference of some of the benefits from tourism to local communities through the creation of jobs, entrepreneurial opportunities and social benefits, efforts to promote community participation may be ineffective.

CSD7 inter-sessional ad-hoc working group, chairman summary E/CN.17/1999/20, 1999, Para 20, 21, and 25;

The Governments should promote partnerships between all stakeholders and that they can play an important role by encouraging, supporting and facilitating the involvement and commitment of all stakeholders, especially indigenous and local communities, in the planning, development and management of tourism.

There needs to be an increase in the transfer of the benefits from tourism to local communities through the creation of jobs, entrepreneurial opportunities and social benefits if efforts to promote community participation are to be effective.

The Governments should promote the role of the local community in deciding what it is prepared to offer, how its cultural patrimony is to be presented and which, if any, aspects of the culture are off-limits to visitors.

UNEP Draft Principles, 2000, Para 1.d;

Involve all relevant stakeholders in the development of sound management plans, and provide the organisation, facilities and enforcement capacity required for effective implementation of those management plans.

The European Charter for sustainable tourism in protected areas, 1995, Principle 4;

The local community shall be involved in the decision-making process for sustainable tourism development, and in the management of certain tourist activities. The development of tourism should guaranty as many benefits as possible.

Quebec Declaration, 2002, Recommendation 25, 28, 30, 46 and 47;

(Private sector should) Make increasing use of local materials and products, as well as local logistical and human resource inputs in their operations, in order to maintain the overall authenticity of the ecotourism product and increase the proportion of financial and other benefits that remain at the destination. To achieve this, private operators should invest in the training of the local workforce;

(Private Sector should) Promote among their clients an ethical and environmentally conscious behaviour vis-à-vis the ecotourism destinations visited, such as by environmental education or by encouraging voluntary contributions to support local community or conservation initiatives;

Diversify their offer by developing a wide range of tourist activities at a given destination and by extending their operations to different destinations in order to spread the potential benefits of ecotourism and to avoid overcrowding some selected ecotourism sites, thus threatening their long-term sustainability. In this regard, private operators are urged to respect, and contribute to, established visitor impact management systems of ecotourism destinations;

(Indigenous communities should)As part of a community vision for development, that may include ecotourism, define and implement a strategy for improving collective benefits for the community through ecotourism development including human, physical, financial, and social capital development, and improved access to technical information;

Strengthen, nurture and encourage the community's ability to maintain and use traditional skills, particularly home-based arts and crafts, agricultural produce, traditional housing and landscaping that use local natural resources in a sustainable manner.

### Limitations

The main constraints confronting local communities in their participation on nature based tourism activities include economic, social and environmental challenges;

(a) Economic challenges: the leakage of tourism expenditures from destination is high, yet This money is needed for improving the tourism sector in the destination itself. The daily expenditures per visitor vary from country to country but are generally low. And excessive reliance on tourism including nature based tourism carries many risks

(b) Social challenges: Rapid development of nature based tourism can have significant adverse social impacts on destinations. It could lead to persistent inflationary pressures which pose the danger of significantly lowering the standard of living of high proportions of destination populations in developing countries. Normally the social carrying capacity of these countries quickly reaches its limits of tolerance as the ratio of visitors to the local population rises and in many cases, prolonged growth of tourism is accompanied by increased incidence of crime, and the spread of drugs and diseases, including HIV/AIDS.

(c) Environmental challenges: Intensive tourism development and tourism activities, particularly if not properly planned and managed, can very quickly cause environmental damage in fragile destinations. The most notable impacts are observable in land degradation and loss of terrestrial and marine biodiversity; increased levels of pollution from dumping of solid and liquid wastes generated by tourism activities on land and in the sea; coastal zone degradation through intensive sand mining, removal of mangrove forests and destruction of coral reefs, soil erosion and destruction of landscape owing to tourism facilities and associated infrastructures; excessive

groundwater pumping and the subsequent lowering of water tables to meet the demand of the water-intensive tourism industry for freshwater.

In order to orient nature based tourism development towards sustainability new criteria, instruments and lines of action must be created and implemented, taking into account tourism carrying capacity and local community participation. As well as this a positive interaction should be sought between tourists and environmental, socio-cultural and economic factors, requiring integrated long-term strategies.

The development and improvement of mechanisms which facilitate the involvement of indigenous people and local communities in social, environmental, and cultural decision-making could prevent many environmental degradation and social disorders.(IUCN 12.7, SG report E/CN.17/1999/6/Add.11 and E/CN.17/1996/20)

#### Final proposal

Recognising the need that all stakeholders cooperate at local, national and international levels to achieve a common understanding on the requirements of sustainable nature based tourism. (Berlin Dec 6)

Recalling that indigenous peoples and local communities have the right to control their lands, territories and natural resources and maintain their traditional way of life including the right to security in the enjoyment of their means of subsistence. (Draft Dec. on Human Rights and Environment 14)

Recalling also that indigenous peoples and local communities have the right to protection against any action that may result in the destruction or degradation of their territories, including land, air, water, sea-ice, wildlife or other resources.(Draft Dec. on Human Rights and Environment 14)

Reaffirming that local communities and indigenous people should be considered the main stakeholders in any nature based tourism activities and are accorded the highest level of respect and position to determine the limits of carrying capacity for appropriate tourism activities within their traditional territory at all levels and stages. (Internal CBD-Doc)

Parties shall guarantee the effective participation and involvement of representatives of indigenous and local communities and their interface with other sectors in the management and development of any nature based tourism measures including strategies, policies, legislation, administrative arrangement, and plan of action, as well as their participation on the development, implementation, operation, and monitoring of such measures. (Internal CBD-Doc 2.1)

Each party should consider that the diversity and fragility of the environment of nature based tourism areas is reflected in the diversity and fragility of its local community and therefore any tourism activity taking place in these areas shall only take place after full consultation with and participation of the concerned local community and the proper examination of EIAs. (BPOA Part 4, and Internal CBD-Doc 1.5)

Parties shall take appropriate measures to ensure active participation of indigenous and local communities in the long-term monitoring and assessment, including the development and use of indicators to measure impacts of tourism on biological diversity, and on the cultures, societies and economies of concerned indigenous and local communities, with a view to improving strategies and plans for nature based tourism activities. (Internal CBD-Document, 1.7)

Parties shall ensure that the local community and indigenous people are properly represented on any national bodies to oversee the tourism industry, *and relevant international forum to represent their interest*. (Internal CBD-Doc 2.1)

The local community representatives should also have in mind that nature based tourism, as a form of tourism which emphasises quality tourism (EC Re 97.9 Art.5), is based on mutual *understanding* of the destination including its cultural and natural richness and of the capacity to satisfy tourists. (Charter of sustainable tourism 6)

Each Party shall formulate appropriate strategies and policies aimed at sustainable use of natural and cultural heritage of nature based tourism areas based on preservation, conservation and restoration of natural and socio-cultural values of the destination. (IUCN)

Parties, in the establishment of local nature based tourism plans, shall also take into account inventories of area and its biotopes, carrying capacity and social accommodation capacity, land use plans, natural and landscape protection policy, and environmentally friendly development permits. (EC Re. 94.7 Part II B)

Parties shall pursue the establishment of partnerships for sustainable nature based tourism, with particular emphasis on the quality, to effectively conserve and utilise limited resources, based on *consumer and market demand*, the introduction of sustainable consumption and production and development of community-based initiatives. (UNGASS 22)

Each party shall allocate an equitable proportion of any revenues generated by tourism activities within nature based tourism areas and indigenous territories in the adjacent area to promote measures to preserve and manage the area and add to the well-being of the local community *concerned*. (Internal CBD-Doc, 2.3, EC Re 95.10, I c)

Parties shall support greater involvement of well-aware local community representatives in planning, implementation, monitoring, evaluation, and reporting processes of nature based tourism policies, programmes, and projects at national, sub-national, and local levels. (Manila Dec. 1)

Parties shall also pursue appropriate strategies and policies of sustainable nature based tourism to balance it with border economic, social, and environmental objectives at (*regional*) national and local levels , *inter alia*, by;

- i. Diversification of tourism products and enhancing their quality;
- ii. Enhancement of domestic products to viably provide for tourists needs and encouraging the maximum use of local materials in *resort construction and development*;
- iii. Systematic evaluation of nature based tourism contribution to the domestic economy by appropriate means;
- iv. Developing a multidisciplinary approach for the rigorous vetting of tourism development proposals; (CSD 4/16 Para 26)
- v. Strengthening of regional cooperation on strategies, standards and capacity building for nature based tourism, through, *inter alia*, the assistance of all stakeholders particularly international institutions;
- vi. Impose appropriate user fees and adequate use of user charges, particularly for environmental protection;
- vii. Greater participation of local communities by establishment of a suitably formulated framework; (1999, SG report on POA)
- viii. Increasing the participation of nationals in the nature based tourism industry by encouraging domestic investments;
- ix. Minimising financial incentives granted to foreign investors, by reducing national risks.
- x. Developing economical instruments to better internalise environmental costs including fiscal incentives for improving the required environmental infrastructure; (1996, SG progress report on POA E/CN.17/1996/20 Para 12 and 18)
- xi. Keep the ratio of the visitor population to the local population at an acceptable level;
- xii. Effective countrywide security measures against crime and drugs, particularly in and around nature based tourism areas;
- xiii. Inducing the tourism industry, through appropriate user charges, to meet the full cost of freshwater and energy consumed , and to contribute adequately to solid waste management;
- xiv. Encouraging voluntary initiatives and adherence to codes of conduct by the tourism industry;
- xv. Implementing a sustainable marketing strategy in cooperation with all stakeholders; (E/CN.17/1999/6/Add.11)

Parties shall undertake appropriate programmes for capacity building to promote partnerships and enhance dialogue with all major groups in relation to nature based tourism. (SG report E/CN.17/1999/5)

Parties shall assist host communities in managing visits to their nature based tourism attractions and surrounding areas for their maximum benefits, enhance their awareness and exchange of information and experience while ensuring the least negative impacts on and risks for their traditions, culture and environment, (WSSD Chp. 41 d)

Parties shall strengthen, nurture and encourage the local community's ability to maintain and use traditional skills, including home-based arts and crafts, agricultural produce, traditional housing and landscaping. (Quebec Dec. 47)

The tourism industry shall adjust its activities in cooperation with local communities concerned, engage in awareness-raising, information-sharing, education and training of tourism operators, sensitisation of tourists on biological diversity, cultural and social values, and provide technical and capacity building at the local level. (Internal CBD-Document, 1.9)

The tourism industry shall take necessary measures to, as much as possible, recruit local employees, to improve working conditions, to provide job security, and to improve human resource development. (SG report E/CN.17/1999/5)

The tourism industry shall promote ethnical and environmentally conscious behaviour by tourists with regard the values and heritage of nature based tourism areas at the destination and encourage them to share these values. (Quebec Dec. 28)

## Principle XXIX

### Constitutional area

#### Principle of Committed Tourism Industry

### Thematic priorities

This principle applies to the participation, involvement, engagement, and commitment of the Tourism industry in short- medium- and long-term policy setting and decision-making and their implementation and management process of nature based tourism activities.

### Back ground (inhibiting factors)

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-j;

National authorities should propose charters for the tourist industry establishing qualitative criteria for environment-friendly tourism;

Charter for Sustainable Tourism, Lanzarote, 1995, Para 15 and 17;

The travel industry, together with bodies and NGOs whose activities are related to tourism, shall draw up specific frameworks for positive and preventive actions to secure sustainable tourism development and establish programmes to support the implementation of such practices. They shall monitor achievements, report on results and exchange their experiences.

The adoption of, adherence to, and implementation of codes of conduct conducive in the context of sustainable development by the principal actors, particularly industry members, involved in tourism are fundamental for tourism to be sustainable. Such codes constitute efficient instruments for the development of responsible tourist activities.

Council of Europe Recommendation No R (95) 10, 1995, Part IV;

Tourism professionals should accept the constraints of a sustainable pattern of tourism, that is to say one which respects the environment, and should make a direct contribution to the conservation of protected areas. They should:

- a. take account of the nature of each protected area and the wishes of the local people;
- b. develop tourist projects within the framework of the development and management plan for protected areas in which they may be situated and in consultation with the authorities responsible for the areas concerned;

c. build facilities in the local style and if possible with local materials which blend in with the surroundings and the landscape;

d. make every effort to enhance and restore existing infrastructures and buildings, if appropriate by endowing them with a new function;

e. support the economy of the local communities by using the local workforce, services and products;

f. contribute, as users of the natural assets of the protected areas, to maintenance and administration costs;

g. provide services and promote environment-friendly products;

h. give priority to public transport which is quiet and non-polluting, both in providing access to the protected areas and for moving about within them;

i. develop training programmes to inculcate respect for the environment, aimed particularly at guides and members of the profession;

j. inform tourists not only of the attractiveness of nature, but also of its fragility, and of the need to respect it;

k. incorporate the ethics of conservation into their advertising and marketing policy in such a way as to arouse tourists' interest in protected areas and foster an understanding of them;

l. have recourse to the services and assistance of specialist bodies or networks which have information, new ideas and successful experiences that can be passed on.

Manila Declaration, 1997, Principle 4;

Cooperate with and encourage the business community engaged in tourism and the travel trade to create the right image and develop appropriate marketing tools for the destination countries, and to undertake education, information and communication services to sensitise visitors to the culture and behavioural expectations of host communities;

Global Code of ethics, WTO, 1999, Article 5.4, 6.1;

Tourism professionals, particularly investors, governed by the regulations laid down by the public authorities, should carry out studies of the impact of their development projects on the environment and natural surroundings; they should also deliver, with the greatest transparency and

objectivity, information on their future programmes and their foreseeable repercussions and foster dialogue on their contents with the populations concerned;

Tourism professionals have an obligation to provide tourists with objective and honest information on their places of destination and on the conditions of travel, hospitality and stays; they should ensure that the contractual clauses proposed to their customers are readily understandable as to the nature, price and quality of the services they commit themselves to providing and the financial compensation payable by them in the event of a unilateral breach of contract on their part;

Global Code of Ethics, WTO, 1999, article 9. 5 and 9.6;

As an irreplaceable factor of solidarity in the development and dynamic growth of international exchanges, multinational enterprises of the tourism industry should not exploit the dominant positions they sometimes occupy; they should avoid becoming the vehicles of cultural and social models artificially imposed on the host communities; in exchange for their freedom to invest and trade which should be fully recognised, they should involve themselves in local development, avoiding, by the excessive repatriation of their profits or their induced imports, a reduction of their contribution to the economies in which they are established;

Partnership and the establishment of balanced relations between enterprises of generating and receiving countries contribute to the sustainable development of tourism and an equitable distribution of the benefits of its growth;

Malmö Declaration, 2000, Article 11, 12, and 13;

The private sector has emerged as a global actor that has a significant impact on environmental trends through its investment and technology decisions. In this regard, Governments have a crucial role in creating an enabling environment. The institutional and regulatory capacities of Governments to interact with the private sector should be enhanced. A greater commitment by the private sector should be pursued to engender a new culture of environmental accountability through the application of the polluter-pays principle, environmental performance indicators and reporting, and the establishment of a precautionary approach in investment and technology decisions. This approach must be linked to the development of cleaner and more resource efficient technologies for a life-cycle economy and efforts to facilitate the transfer of environmentally sound technologies.

The potential of the new economy to contribute to sustainable development should be further pursued, particularly in the areas of information technology, biology and biotechnology. The ethical and social implications must be carefully considered. There must be recognition of the

public interest in knowledge related to biodiversity, including the interest of indigenous and local communities. A corporate ethic guided by public interest should be promoted.

The Global Compact established by the Secretary-General of the United Nations with the private sector provides an excellent vehicle for the development of a constructive engagement with the private sector. UNEP should continue to enhance its engagement and collaboration with the private sector and consider the relation between foreign direct investment and the environment, with a view to minimising negative environmental implications.

World Summit on Sustainable Development, 2002, Chapter 41(a);

Enhance international cooperation, foreign direct investment and partnerships with both private and public sectors, at all levels;

#### Existing proposals

Agenda 21 for the Travel and Tourism, 1996, Part I, Principle 7;

Sustainable tourism destinations will only come into being when all products are designed with environmental, cultural, and socio-economic criteria in mind.

The report of SG on “Progress in the implementation of the Programme of Action for sustainable development of SIDS” (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 19-20;

Define and implement a sustainable marketing strategy in cooperation with all partners involved in the tourism industry. (And) Define and implement a sustainable marketing strategy at the regional level.

UNEP Draft Principles, 2000, Para 3.a;

As well as global initiatives, encourage small and medium-sized enterprises to also develop and promote their own initiatives for sustainable tourism at a more local level.

Quebec Declaration, 2002, Recommendation 20, 26;

Bear in mind that for ecotourism businesses to be sustainable, they need to be profitable for all stakeholders involved, including the projects’ owners, investors, managers and employees, as well as the communities and the conservation organisations of natural areas where it takes place;

Ensure that the supply chain used in building up an ecotourism operation is thoroughly sustainable and consistent with the level of sustainability aimed at in the final product or service to be offered to the customer;

#### Limitations

The sustainability of nature based tourism activities in destinations depends very much on the approaches of the international tourism industry and the types of services and products to be offered at destinations. While huge interests in short term nature based tourism business are involved, the central challenge for the tourism industry is to transform itself, in all its forms, into a sustainable activity by reorienting corporate philosophy, practice and ethics to promote sustainable development through, inter alia, better environmental management and practices and close partnerships with government and civil society. By such an approach the long term interests of the industry will be fulfilled while the conservation and preservation goals and objectives will meet. (The SG report E/CN.17/1999/5 Para 59)

#### Final proposal

Bearing in mind that for nature based tourism business to be sustainable, it needs to be profitable for all stakeholders involved, including the governments, local communities, civil societies, projects' owners, investors, managers and employees, and environmental groups and the conservation organisations active in natural based tourism areas; (Quebec Dec 20)

The tourism industry and operators shall recognise the importance of understanding the values and knowledge of the use of natural resources and biological diversity held by indigenous and local communities and their application for sustainable nature based tourism and support of local tourism activities. (Internal CBD-Document, 3.1)

Parties, with the close collaboration of the tourism industry, shall cooperate to establish and maintain an international nature based tourism economic system that equitably meets the developmental and environmental needs of *present and future generations*. To this end, Parties shall endeavour to ensure that:

- i. The tourism industry does not lead to the wasteful use of natural resources nor interfere with their conservation or sustainable use;
- ii. The tourism industry shall address, with appropriate means and as far as possible, trans-boundary or global environmental problems (*such as global warming*);
- iii. The tourism industry measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade;

- iv. Tourism facilities should be built in the local style and as far as possible with local materials which blend in with the surroundings and the landscape (CE,Re.95.10) and prices of commodities and raw materials should reflect the full direct and indirect social and environmental costs of their extraction, production, transport, marketing, and, where appropriate, ultimate disposal.
- v. Tourism industry activities are based on management plans for the sustainable harvesting of biological resources and does not endanger any species or ecosystem;
- vi. The tourism industry in cooperation with all stakeholders including governments and the local community shall define and implement a sustainable marketing strategy at a regional level to meet the objectives of national nature based tourism goals. (SG report E/CN.17/1996/20)
- vii. The tourism industry shall encourage, facilitate, and assist local small and medium sized enterprises to develop and promote their quality of services and skills and make profitable business at local level. (UNEP Draft Para 3a)
- viii. Multinational enterprises of the tourism industry should not exploit the dominant positions they occupy and avoid excessive repatriation of their profits; (WTO 9.5)
- ix. The establishment of balanced relations between enterprises of host and guest countries; (WTO 9.6)

The tourism industry shall apply sustainable patterns of nature based tourism on their destination management policies. Including;

- i. Create the right image and develop appropriate marketing tools for the destination;
- ii. Undertake education, information and communication services to sensitise visitors to the culture and behavioural expectations of host communities; (Manila Dec. 4)
- iii. Avoid becoming the vehicles of cultural and social models artificially imposed on the host communities ;( WTO 9.5)
- iv. Take account of local carrying capacity
- v. Consider the development and management plan of the area in developing its tourism projects
- vi. Consider the aesthetic value of the area and build facilities in the local style and with local materials;
- vii. Share benefits with local community through job offers and using local products and services;
- viii. Use sustainable forms of transport; (EC Re 95.10 Part 4)

Parties shall endeavour to make the destination more sustainable by, inter alia, designing all products with environmental, cultural, and socio-economic criteria in mind. (Agenda 21 for T&T Principle 7)

Each party, in consultation with the tourism industry, shall set up qualitative criteria for environmentally friendly tourism activities and conductive code to secure sustainable nature based tourism development. (EC Re. 94.7 Part II 1j and Charter for ST Para 15)

Each party shall enhance its institutional and regulatory capacities to interact appropriately with the tourism industry. The tourism industry shall also pursue greater commitment to engender a new culture of environmental accountability through, inter alia, the application of the polluter-pays principle, environmental performance indicators and reporting, and the establishment of a precautionary approach in investment and technology decisions so as the objectives of the development of cleaner and more resource efficient technologies for a life-cycle-economy as well as transfer of environmentally sound technologies can be met. (Malmo Dec. 11)

Each party shall prepare the ground for appropriate foreign direct investment through, inter alia, drawing up suitable economic instruments and required legislations, enhancing international cooperation, and improving fair and sustainable partnership with private and public sectors. (WSSD Chp. 41e)

## Principle XXX

### Constitutional area;

Principle of the right to rest and leisure

### Thematic priorities

The right of everyone to rest and leisure is an unalienable part of human rights and applies to the right of all persons to enjoy reasonable work hours, periodic holiday with pay and freedom of rest and movement without limitation.

### Back ground (inhibiting factors)

Universal Declaration of Human Rights, 1948, Article 24;

Everyone has the right to rest and leisure, including reasonable limitation of work hours and periodic holiday with pay;

International Covenant on Economic, Social and Cultural Rights, 1966, Article 7;

Ensure rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays;

Tourism Bill of Rights and Tourist Code, Para 6 of preamble and Article I;

Solemnly affirming, as a natural consequence of the right to work, the fundamental right of everyone, **to rest, leisure periodic holiday with pay** and to use them for holiday purposes, to travel freely for education and pleasure and to enjoy the advantages of tourism, both within his country of residence and abroad;

**The right of everyone to rest and leisure**, reasonable limitation of working hours, periodic leave with pay and freedom of movement without limitation, within the bounds of the law, is universally recognised;

Tourism Bill of Rights and Tourist Code, Article III d;

Encourage the adoption of measures **enabling everyone to participate** in the domestic and international tourism, especially by **a better allocation of work and leisure time**, the

establishment or improvement of systems of annual leave with pay and the staggering of holiday dates and by particular attention to tourism for young, elderly and disabled;

Council of Europe Recommendation No R (95) 10, 1995, Preamble;

Convinced of the need to develop nature tourism based on discovery of fauna, flora and landscapes;

Noting that parks, reserves and other protected areas are attracting an increasing number of visitors;

Stressing the need to apply a policy whereby protected areas are opened in order to satisfy the expectations of a society in search of protected areas, seen as the last remaining refuges for wildlife and as places in which to enjoy silence and contemplation;

Global Code of Ethics, WTO, 1999, Article 7;

The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all the world's inhabitants; the increasingly extensive participation in national and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way;

The **universal right to tourism** must be regarded as the corollary of the **right to rest and leisure**, including reasonable limitation of working hours and periodic holidays with pay, guaranteed by Article 24 of the Universal Declaration of Human Rights and Article 7.d of the International Covenant on Economic, Social and Cultural Rights;

**Social tourism**, and in particular associative tourism, which facilitates widespread **access to leisure, travels and holidays**, should be **developed** with the support of the public authorities;

Family, youth, student and senior tourism and tourism for people with disabilities, should be encouraged and facilitated;

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part I, Principle 3;

All persons shall be free from any form of discrimination in regard to actions and decisions that affect the environment.

### Limitations

A long standing challenge ahead of the tourism industry and host countries is the seasonality of tourism. It creates unsustainable situations in the many destinations and also unavoidable pressure on the industry in high season. Rights of every one to rest and leisure could contribute to the softening and solving of these problems if they are appropriately reconsidered particularly by developed countries.

### Final proposal

Reaffirm the right of everyone to rest, leisure, and travel freely for educational and pleasurable purposes and to enjoy the advantages of nature based tourism

Reaffirm that all human kind is free from any form of discrimination in regard to the exercise of its right to free access and pleasure in the nature based tourism areas, both within its country of residence and abroad;

Each Party shall fully respect the right of everyone to rest and leisure declared by the Universal declaration of Human Rights and as its consequence the universal right of tourism and shall formulate and implement policies to promote the harmonious development of domestic and international nature based tourism activities and take Appropriate measures to facilitate visitors access to the discovery and enjoyment of these areas. (Bill of Rights Article 2 and WTO Art.7)

Parties shall adopt appropriate legislation to confront tourism seasonality and achieve sustainability and remove socio-environmental pressure on the nature based tourism areas and enable everyone to learn from and enjoy these areas by better allocation of work and leisure time, the establishment or improvement of systems of annual leave with pay and the staggering of holiday season. Parties shall also introduce educational measure including allowing students absence two time during the academic year to enjoy nature based tourism experiences as a part of the school curricula. (Bill of Rights Art.3 d)

## Principle XXXI

### Constitutional area

#### Principle of Tourism safety

### Thematic priorities

This principle addresses the need to obtain a safe environment for the ultimate appreciation of nature based tourists

### Back ground (inhibiting factors)

Tourism Bill of Rights and Tourist Code, Article IV c;

Ensure the safety of visitors and the security of their belongings through preventive and protective measures;

Decision 7/3, CSD7, 1999, Para 3(l);

The Commission urges **Governments** to support appropriate measures to better inform tourists about cultural, ecological and other values and **provide accurate information on the safety of tourist destinations**, so as to enable consumers to make informed choices.

Global Code of Ethics, WTO, 1999, Article 1.3, 1.4, 1.5, and 1.6;

The host communities, on the one hand, and local professionals, on the other, should acquaint themselves with and respect the tourists who visit them and find out about their lifestyles, tastes and expectations; the education and training imparted to professionals contribute to a hospitable welcome;

It is the task of the public authorities to provide protection for tourists and visitors and their belongings; they must pay particular attention to the safety of foreign tourists owing to the particular vulnerability they may have; they should facilitate the introduction of specific means of information, prevention, security, insurance and assistance consistent with their needs; any attacks, assaults, kidnappings or threats against tourists or workers in the tourism industry, as well as the wilful destruction of tourism facilities or of elements of cultural or natural heritage should be severely condemned and punished in accordance with their respective national laws;

When travelling, tourists and visitors should not commit any criminal act or any act considered criminal by the laws of the country visited and abstain from any conduct felt to be offensive or injurious by the local populations, or likely to damage the local environment; they should refrain from all trafficking in illicit drugs, arms, antiques, protected species and products and substances that are dangerous or prohibited by national regulations;

Tourists and visitors have the responsibility to acquaint themselves, even before their departure, with the characteristics of the countries they are preparing to visit; they must be aware of the health and security risks inherent in any travel outside their usual environment and behave in such a way as to minimise those risks;

Global Code of Ethics, WTO, 1999, Article 6.2, 6.4 and 6.5;

Tourism professionals, insofar as it depends on them, should show concern, in cooperation with the public authorities, for the security and safety, accident prevention, health protection and food safety of those who seek their services; likewise, they should ensure the existence of suitable systems of insurance and assistance; they should accept the reporting obligations prescribed by national regulations and pay fair compensation in the event of failure to observe their contractual obligations

The public authorities of the generating States and the host countries, in cooperation with the professionals concerned and their associations, should ensure that the necessary mechanisms are in place for the repatriation of tourists in the event of the bankruptcy of the enterprise that organised their travel;

Governments have the right – and the duty - especially in a crisis, to inform their nationals of the difficult circumstances, or even the dangers they may encounter during their travels abroad; it is their responsibility however to issue such information without prejudicing in an unjustified or exaggerated manner the tourism industry of the host countries and the interests of their own operators; the contents of travel advisories should therefore be discussed beforehand with the authorities of the host countries and the professionals concerned; recommendations formulated should be strictly proportionate to the gravity of the situations encountered and confined to the geographical areas where the insecurity has arisen; such advisories should be qualified or cancelled as soon as a return to normality permits;

#### Existing proposals

The report of SG on “Progress in the implementation of the Programme of Action for sustainable development of SIDS” (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 16;

Strengthen security measures country-wide against crime and drugs, particularly in areas most frequented by tourists.

Draft international covenant on environment and development, IUCN, 2000, Article 52;

Parties shall ensure the availability of effective civil remedies that provide for cessation of harmful activities as well as for compensation to victims of environmental harm irrespective of the nationality or the domicile of the victims.

Parties that do not provide such remedies shall ensure that compensation is paid for the damage caused by their acts or omissions or by activities of persons under their jurisdiction or control.

In cases of significant environmental harm, if an effective remedy is not provided in accordance with paragraph 1, the State Party of nationality of the victim shall espouse the victim's claim by presenting it to the State Party of origin of the harm. The State Party of origin shall not require the exhaustion of local remedies as a pre-condition for presentation of such claim

#### Limitations

The security and safety of the nature based tourists and their belongings are a precondition to establish a sustainable business in the destinations.

On one hand, the relevant authorities in the hosts and guests countries should provide a suitable and secure environment for nature based tourists, and on the other hand, tourists have to respect the law and socio-environmental values.

As far as this paper is concerned, there is no comprehensive globally accepted approach to provide required remedies and compensations for injury to nature based tourists or the damage caused to the local community and their environment at destination.

#### Final proposal

Each party shall provide protection for nature based tourists, particularly foreigners, and their belongings and facilitate the introduction of specific means of information, prevention, security, insurance and assistance consistent with their needs. In the case of any harm to nature based tourists, appropriate measures shall take place to properly compensate them and perpetrators, if any, be punished. WTO 1.4)

The tourism industry shall consider appropriate measures in conformity of security and safety, accident prevention, health protection, and food safety of nature based tourists and provides a

suitable system of insurance and assistance and fair compensation in the event of failure to observe their contractual obligations (WTO 6.2)

Parties, by bilateral or where applicable multilateral cooperation, shall ensure that the necessary mechanisms are in place for the security and safety of nature based tourists in the event of any natural disaster, crisis, war, or terrorist attack. WTO 6.4)

Each party shall strengthen security measures country-wide against tourism related crime and drugs, particularly in areas adjacent to the nature based tourism area. (SG report E/CN.17/1996/20 Part II Para 16)

Parties shall provide accurate information on the safety, security, and health issues of the destination so as to enable consumers to make informed choices. (CSD 7/3, 3.1)

Parties have a duty to inform their nationals to avoid committing any criminal act and abstain from any conduct felt to be offensive or injurious by local community as well as any harmful damages to the environment of nature based tourism areas and their adjacent areas. In the case of such crimes; (WTO 1.5)

- i. Parties shall ensure the availability of effective civil remedies that provide for cessation of harmful activities as well as for compensation to victims of environmental harm irrespective of the nationality or the domicile of the victims.
- ii. Parties that do not provide such remedies shall ensure that compensation is paid for the damage caused by their acts or omissions or by activities of persons under their jurisdiction or control.
- iii. In cases of significant environmental harm, if an effective remedy is not provided in accordance with paragraph I, the State Party of the nationality of the (*perpetrators*) *victims* shall espouse their claim by presenting it to the State Party of origin of the harm. The State Party of origin shall not require the exhaustion of local remedies as a pre-condition for presentation of such a claim. (Draft international covenant on environment and development, IUCN, 2000, Article 52)

## **Principle XXXII**

### Constitutional area

#### Principle of Sustainable Transport Development

### Thematic priorities

This principle addresses the role of sound and sustainable transport in environmental conservation and nature based tourism development.

### Back ground (inhibiting factors)

Charter for Sustainable Tourism, 1995, Lanzarote, Para 16;

Particular attention should be paid to the role and the environmental repercussions of transport in tourism, and to the development of economic instruments designed to reduce the use of non-renewable.

International Conference on Sustainable Tourism in SIDS, Part II, Para 23

Design a feasible and sustainable island access strategy (air and sea). In many islands poor access is undermining a balanced tourism development. All the possibilities for globalising and restructuring air transport must be gauged with a view to improving access to each island. In other islands which may be subject to excessive tourist pressure, suitably controlled and selective access is all-important in terms of preventing the carrying capacities of these islands from being exceeded. In all events, the islands should be aware that long-distance tourist arrivals generate an environmental bill for CO<sub>2</sub> emissions and other gases with significant greenhouse effects. It is therefore necessary to combine the application of environmentally-responsible island policies with the procurement of international recognition of their exceptional dependence on transport to and from the island.

International Conference on Sustainable Tourism in SIDS, Part II, 28;

Design tourism strategies and projects which make provisions for a good relationship between the mobility they require and the impacts and costs they generate, placing priority on reducing movements and increasing the proximity of the services required, and providing incentives for voluntary use of collective transport for long distances and walking and cycling for short distances.

### Existing proposals

Berlin Declaration, 1997, Paras, 11 and 5;

Tourism should be based on environmentally friendly concepts and modes of transport. Negative impacts of transport on the environment should be reduced, paying particular attention to environmental impacts of road and air traffic, specifically in ecologically sensitive areas.

Tourism activities which encourage the use of public and non-motorised transport should be supported wherever possible.

UNEP Draft Principles, 2000, 3.d;

Take into account the need to reduce emissions of CO<sub>2</sub> and other greenhouse gases resulting from travel and the tourism industry.

Agenda 21 for the Travel and Tourism, 1996, Part II Principles 6 and 9;

Reduce or control harmful emissions into the atmosphere and other environmental effects of transport.

Operate demand management to reduce the need for polluting modes of transport in favour of less polluting modes and activities.

Use well-maintained and modern transport technology, thus minimising emissions into the environment; this is particularly important for airlines, which should seek to operate the most efficient fleet possible

Within the transport sector, strengthen efforts to connect, analyse, and exchange information on the relation between transport and the environment.

Quebec Declaration, 2002, Recommendation 5, 19;

Develop regulatory mechanisms for internalisation of environmental costs in all aspects of the tourism product, including international transport;

Incorporate sustainable transportation principles in the planning and design of access and transportation systems, and encourage tour operators and the travelling public to make soft mobility choices.

### Limitations

Many states are facing the challenges of having environmentally friendly access to nature based tourism sites, particularly developing countries. The geographical location of these sites, the limitation of local authorities to the environmentally sound technology for transportation systems, the economic burden of the establishment of very expensive long distance installation such as airports, the emission and pollution created by transport operations, and the lack of an integrated access strategy are amongst these constraints.

### Final proposal

Each party shall design a feasible, sustainable, and environmentally responsible long distance access plan to nature based tourism areas, including road, air, and sea where applicable, integrated to the national and regional access strategy, to balance nature based tourism development and to meet the carrying capacity of the destination. (Tourism conference on SIDS Para 23)

Each party shall take necessary measures to incorporate sustainable transportation principles in the planning and design of access and transportation systems of the destination and encourage tour operators and the travelling public to make soft mobility choices within nature based tourism areas (Quebec Dec. 19)

Parties shall encourage and support the use of public and non-motorised transport within and adjacent to the nature based tourism areas, by all means including granting awards and providing incentives. (Berlin Dec. 5) Appropriate funds and facilities should be available to invest in study and research on innovative approaches to sustainable transport development including non-motorised transport, use of environmentally sound technology, and the relation between transport and the environment. (Agenda 21 for T&T)

## Principle XXXIII

### Constitutional area

#### Principle of Equal Access and Non-Discriminatory

### Thematic priorities

This principle addresses the general obligation of states to facilitate public access and freely movement of tourists about the country.

### Back ground (inhibiting factors)

Tourism Bill of Rights and Tourist Code, Article IV a;

Encourage the access to domestic and international tourism to the heritage of the host communities by applying the provisions of existing facilitation instruments issuing from the UN, International Civil Aviation Organisation, IMO, the Customs Cooperation council or from any other body, WTO in particular, with a view to increasingly liberalizing travel;

Tourism Bill of Rights and Tourist Code, Article V a;

The states shall lastly permit domestic and international tourists to move freely about the country, without prejudice to any limitative measures taken in the national interest concerning certain areas of the country;

Council of Europe Recommendation No R (97) 9, 1997 Article 1;

Guaranteeing free public access, while ensuring that this right is exercised without jeopardising the interests of landowners, nature or the environment,

### Existing proposals

Global Code of Ethics, WTO, 1999, Article 4.2, 8.1 and 8.2, 3;

Tourism policies and activities should be conducted with respect for the artistic, archaeological and cultural heritage, which they should protect and pass on to future generations; particular care should be devoted to preserving and upgrading monuments, shrines and museums as well as archaeological and historic sites which **must be widely open to tourist visits**; encouragement should be given to **public access to privately-owned cultural property and monuments**, with respect for the rights of their owners, as well as to religious buildings, without prejudice to normal needs of worship.

Tourists and visitors should benefit, in compliance with international law and national legislation, from the **liberty to move** within their countries and from one State to another, in accordance **with Article 13 of the Universal Declaration of Human Rights**; they **should have access to places of transit and stay and to tourism** and cultural sites without being subject to excessive formalities or **discrimination**;

Tourists and visitors should have access to all available forms of communication, internal or external; they should benefit from prompt and easy access to local administrative, legal and health services; they should be free to contact the consular representatives of their countries of origin in compliance with the diplomatic conventions in force;

Administrative procedures relating to border crossings whether they fall within the competence of States or result from international agreements, such as visas or health and customs formalities, should be adapted, so far as possible, so as to facilitate to the maximum freedom of travel and widespread access to international tourism; agreements between groups of countries to harmonise and simplify these procedures should be encouraged; specific taxes and levies penalizing the tourism industry and undermining its competitiveness should be gradually phased out or corrected;

#### Limitations

The principle of the right to access to public and private tourism sites may face with the carrying capacity principle as well as the need to respect private properties right.

#### Final proposal

Parties shall guarantee free public access, in accordance with international law and the provisions of existing facilitation instruments issuing from relevant international organisations, to the nature based tourism areas without prejudice to any limitative measures.

## Principle XXXIV

### Constitutional area

#### Principle of Incentive Measures and Voluntary Initiatives

### Thematic priorities

This principle addresses the use of incentive measures and voluntary initiatives as socio-economic tools to serve the participatory principle and raises the issue of environmental consciousness in nature based tourism.

### Back ground (inhibiting factors)

CBD, 1992, Article 11;

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-n and o;

National authorities should encourage the **introduction of environmentally sound products** and activities by relevant measures including the **awarding of prizes and quality labels**;

Consider, where appropriate, the development of **a tax incentive scheme** to encourage environment-friendly tourism development projects;

Council of Europe Recommendation No R (97) 9, 1997, Article 6;

a. studying the development of **tax incentives** to promote environment-friendly tourist development projects;

b. **awarding seals of approval**, such as the "Pavillon Bleu" ("Blue Flag"), which serve both as a means of promotion and as a reward to coastal municipalities for efforts to improve the quality of their general environment, bathing water and sewage treatment;

c. **using some of the users'** or visitors' taxes, where these exist, to finance sewerage systems and to acquire, maintain and manage certain natural habitats;

d. making the **award of financial backing** for tourist projects conditional upon their taking into account the principles and measures described in this Recommendation;

Berlin Declaration, 1997, Para 14;

Whenever possible and appropriate, economic instruments and incentives including awarding of prizes, certificates and eco-labels for sustainable tourism should be used to encourage the private sector to meet its responsibilities for achieving sustainable tourism. The abolition of economic incentives encouraging environmentally unfriendly activities should be strived for.

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 10;

The possibility of establishing incentives and eco-taxes to reward good practices, boost the conservation of valuable resources and discourage undesirable impacts should be more widely considered.

Decision 7/3 of CSD7, 1999, Para 3a and 5h;

To develop environmentally, socially and culturally compatible forms of tourism and to continue the development and implementation of voluntary initiatives in support of sustainable tourism development, bearing in mind that such forms of tourism and initiatives should meet, or preferably exceed, relevant local, national, regional or international standards.

To further develop or support integrated initiatives, preferably through pilot projects, to enhance the diffusion of innovations and to avoid, wherever possible, duplication and waste of resources.

Council of Europe Recommendation No R (99) 16, 1999, Recommendation b;

Encourage environmental management initiatives among tourism professionals, at all levels and in all sectors, including planning the management and co-ordination of tourist infrastructures and facilities, in a concern to ensure sustainable tourism development and to create the necessary conditions for such development;

#### Existing proposals

Agenda 21 for the Travel and Tourism, 1996;

Help **consumers** to make **informed choices** about environmentally responsible tourism products by adopting or developing appropriate and meaningful green labels

UNEP Draft Principles, 2000, Para 3.a;

Ensure long-term commitments and improvements to develop and promote sustainable tourism, through partnerships and voluntary initiatives by all sectors and stakeholders, including initiatives to give local communities a share in the ownership and benefits of tourism.

Structure **initiatives to give all stakeholders a share in the ownership**, to maximise their effectiveness,

**Establish clear responsibilities, boundaries** and timetables for the success of any initiative,

As well as global initiatives, encourage small and medium-sized enterprises to also develop and promote their own initiatives for sustainable tourism at a more local level,

Consider integrating initiatives for small and medium-sized enterprises within overall business support packages, including access to financing, training and marketing, alongside measures to improve sustainability as well as the quality and diversity of their tourism products.

The European Landscape Convention, 2000, Article 11;

#### **Landscape award of the Council of Europe**

1 The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.

2 Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.

3 On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.

4 The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.

Quebec Declaration, 2002, Recommendation 7, 12, 23;

Use internationally approved and reviewed guidelines to develop certification schemes, ecolabels and other voluntary initiatives geared towards sustainability in ecotourism, encouraging private operators to join such schemes and promoting their recognition by consumers. However, certification systems should reflect regional and local criteria. Build capacity and provide financial support to make these schemes accessible to small and medium enterprises (SMEs). In addition, monitoring and a regulatory framework are necessary to support effective implementation of these schemes;

Provide incentives to tourism operators and other service providers (such as marketing and promotion advantages) for them to adopt ecotourism principles and make their operations more environmentally, socially and culturally responsible;

(Private sector should) Adopt as appropriate a reliable certification or other systems of voluntary regulation, such as ecolabels, in order to demonstrate to their potential clients their adherence to sustainability principles and the soundness of the products and services they offer;

#### Limitations

The concept of non obligatory, non mandatory use of voluntary initiatives and the duplication of them resulted in the carelessness of consumers and tourists. Such concepts present a major challenge to the use and effectiveness of many schemes.

#### Final proposal

Each party shall adopt socio-economically sound incentive measures for the preservation of cultural values and conservation and sustainable use of natural and environmental components of nature based tourism areas (CBD Art.11) including development of a tax incentive scheme to encourage environmentally friendly nature based tourism projects, (EC Re 97.9 Part II) awarding seals of approval to promote and reward environmental improvement efforts, and using users' eco-taxes. (EC Re 97.9 Art.6)

Parties shall facilitate the development and implementation of integrated voluntary initiatives by using internationally approved and reviewed guidelines in support of sustainable nature based tourism development and assist consumer informed choice. To do so, parties shall establish clear responsibilities, boundaries and timetables for the success of any initiative (UNEP Draft 3a) and disseminate best proven innovations which meet relevant national and international standards and avoid duplication. (CSD 7/3 Para 3a and 5h) They shall encourage the tourism industry to join such schemes and promote their recognition by customers. (Quebec Dec. 7)

Parties shall take appropriate measures to encourage the introduction of tourism environmentally sound products including awarding of prizes and quality labels and providing tourism projects and activities with financial backing conditional upon proving such labels. (EC Re 94.7 Part II and 97.9 Art.6)

The tourism industry shall join reliable certification schemes, eco-labels or other systems of voluntary regulation in order to demonstrate its commitments to sustainable based tourism principles and to conduct its business in a more environmentally, socially and culturally acceptable manner. (Quebec Dec. 23)

### **Nature Based Tourism Awards**

Nature based tourism awards are a distinction which may be conferred on parties, tourism industry operators, NGOs or schemes that have instituted a policy, measures on, or remarkable contributions to the conservation, protection and sustainable and rational use of nature based tourism areas which have proved lastingly effective and can serve as an example to the other parties or sectors involved in tourism activities.

Application for nature based tourism awards shall be submitted to the Committees of (experts) by more than one party. On proposal from the Committees the Conference of the Parties shall define and publish the criteria for conferring the nature based tourism award, adopt the relevant rules and confer the Award.

The conferring of nature based tourism awards is to encourage recipients to ensure the sustainable protection, management and/or planning of the nature based tourism areas concerned. It should be considered by relevant international organisations as well as investors in tourism industry as a sign of eligibility and commitment of the recipient (EU Landscape Convention)

## Principle XXXV

### Constitutional area

#### Principle of Development of Suitable Indicators and Standards

### Thematic priorities

This principle has links with the sustainability principle. It addresses the need to develop basic indicators and standards to monitor progress of the sustainable development of nature based tourism and assist decision-makers and policy-makers in increasing focus on sustainability of nature based tourism activities and development. Indicators and standards can translate physical and social science knowledge into manageable units of information that can facilitate the decision-making process. They can help to measure and calibrate progress towards sustainable development goals. They can provide an early warning, sounding the alarm in time to prevent economic, social and environmental damage.

### Back ground (inhibiting factors)

Berlin Declaration, 1997, Para 8;

Inventories of tourism activities and attractions should be developed, taking into account the impacts on ecosystems and biological diversity. Co-ordinated efforts of governments, the private sector and all other stakeholders should be undertaken to **agree on criteria to measure and assess the impacts of tourism on nature** and biological diversity.

Decision 7/3 of CSD7, 1999, Para 5k;

To develop core indicators for sustainable tourism development, taking into account work of the World Tourism Organisation and other relevant organisations, as well as the ongoing testing phase of indicators for sustainable development.

Decision 9/4 of CSD9, 2000, Para 3;

The Commission, recognising that any **indicators** developed under its work programme on indicators of sustainable development are intended only for use by **countries at the national** level on a **voluntary basis**, suited to **country-specific conditions**, and **shall not lead to** any type of **conditionality**, including financial, technical and commercial:

World Summit on Sustainable Development, 2002, Chapter, 119.quinquies, and 119.sexties;

Encourage **further work on indicators** for sustainable development by countries at the national level, including integration of gender aspects, on a voluntary basis, in line with national conditions and priorities.

Promote further work on indicators, in conformity with paragraph 3 of decision 9/4 of the Commission on Sustainable Development.

#### Existing proposals

Agenda 21 for the Travel and Tourism, 1996, Part I Principle 2 and 8;

Examine the internal operations of the organisation in order to assess the economic, social, cultural, and environmental implications of its own activities for sustainable development.

The effectiveness of sustainable tourism initiatives can only be assessed properly if indicators of sustainable development are established. Such indicators should be applicable to the needs of governments, NAT's, and representative trade organisations themselves, as well as those of local, regional, and national authorities and Travel & Tourism companies. They should provide accurate measurement of the effectiveness of policies and help to highlight issues of potential concern as well as achievements. They must, however, be simple and practical, relying on data that can be readily collected and easily compiled. The development of indicators of sustainable tourism development is an area in which international partnerships will be particularly beneficial.

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 13;

Invest adequately in the collection of data on all relevant indicators of benefits and costs necessary for costs-benefits analysis in order to be able to carry out systematic evaluations of the contribution of the tourism sector to the domestic economy in relation to other sectors and in relation to social and environmental costs.

UNEP Draft Principles, 2000, Para 2.b, 2.f and 3.b;

Protect the environment by setting clear ambient environmental quality standards, along with targets for reducing pollution from all sectors, including tourism, to achieve these standards, and by preventing development in areas where it would be inappropriate.

Minimise pollution at source, for example, by waste minimisation, recycling, and appropriate effluent treatment.

Take into account the need to reduce emissions of CO<sub>2</sub> and other greenhouse gases resulting from travel and the tourism industry.

Develop mechanisms for measuring progress, such as indicators for sustainable tourism.

Establish indicators for measuring (monitor) the overall progress of tourist areas towards sustainable development.

Quebec Declaration, 2002, Recommendation 13, 40;

Ensure that basic environmental and health standards are identified and met by all ecotourism development even in the most rural areas. This should include aspects such as site selection, planning, design, the treatment of solid waste, sewage, and the protection of watersheds, etc., and ensure also that ecotourism development strategies are not undertaken by governments without investment in sustainable infrastructure and the reinforcement of local/municipal capabilities to regulate and monitor such aspects;

(International Organisation should) Develop or adopt, as appropriate, **international standards and financial mechanisms for ecotourism certification systems** that take into account the needs of small and medium enterprises and facilitates their access to those procedures, and support their implementation;

Draft international covenant on environment and development, IUCN, 2000, Article 38;

Parties shall cooperate to **formulate, develop, and strengthen international rules, standards and recommended practices** on issues of common concern for the protection and preservation of the environment and sustainable use of natural resources, taking into account the need for flexible means of implementation based on their respective capabilities.

Parties shall adopt, strengthen and implement specific national standards, including emission, quality, product, and process standards, designed to prevent or abate harm to the environment or to restore or enhance environmental quality.

### Limitations

The international endeavours, including CSD, on the definition and formulation of indicators for sustainable development is a continuous process and needs to be developed widely. Other constraints are the conditions and priorities of every single country, and particularly developing countries, in this regard. There is a general feeling amongst many developing countries that compliance with a complicated set of indicators is a precondition to achieve international developmental assistance.

## Final proposal

Each party, in close consultation with other stakeholders including relevant international organisations, shall undertake the coordination effort on further development of core indicators for sustainable nature based tourism in line with national and local conditions (CSD 7/3, 5k and 9/4, 3 and WSSD Chp 119 and Berlin Dec 8) to provide accurate measurement of progress and monitor the effectiveness of policies toward sustainable nature based tourism development and highlight areas of concerns and success, and to carry out systematic evaluations of the contribution of nature based tourism to the domestic economy in relation to social and environmental costs.(UNEP Draft 3b, and SG report E/CN.17/1996/20 Part II, and Agenda 21 for T&T)

Parties shall cooperate to formulate, develop, and strengthen international rules, standards and recommended practices on issues of common concern for the protection and preservation and sustainable use of nature based tourism areas, buffer zones and adjacent areas, taking into account the need for flexible means of implementation based on their respective capabilities. (IUCN Art.38)

Each party shall identify and *adopt and implement* basic and clear national environmental quality standards to be met by nature based tourism *developers* including site selection, planning, design, the treatment of solid waste, sewage, the protection of watersheds, and use of water and energy alongside with targets for reducing pollutions, emission, and if necessary prevent or restrain development in the concerned areas. (Quebec Dec 13 and UNEP Draft 2b)

## Principle XXXVI

### Constitutional area

#### Sustainable Consumption and Production Patterns

### Thematic priorities

This principle, in the light of Chapter 4 of Agenda 21, addresses the need to eliminate unsustainable production and consumption patterns to minimise depletion and reduce pollution.

### Back ground (inhibiting factors)

Rio Declaration, 1992, Principle 8;

To achieve sustainable development and a **higher quality of life for all people**, States should reduce and **eliminate unsustainable patterns of production and consumption** and promote appropriate demographic policies.

Barbados Declaration, 1994, Part II, Para III;

To achieve sustainable development and a higher quality of life for all people, including people of SIDSs, all States should **reduce and eliminate unsustainable patterns of production and consumption**, and should promote appropriate demographic policies.

Charter for Sustainable Tourism, Lanzarote, 1995, Para 10;

In recognition of the objective of economic and social cohesion among the peoples of the world as a fundamental principle of sustainable development, it is urgent that measures be developed to permit a more equitable distribution of the benefits and burdens of tourism. This implies a change of **consumption patterns and the introduction of ecologically honest pricing**. Governments and multilateral organisations are called upon to abandon subsidies that have negative effects on the environment, and they are furthermore called upon to explore the application of internationally harmonised economic instruments to ensure the sustainable use of all resources.

UNGASS, 19<sup>th</sup> session, 1997, Para 68;

There is a need to consider further the importance of tourism in the context of Agenda 21. Tourism, like other sectors, uses resources, generates wastes and creates environmental, cultural and social costs and benefits in the process. For **sustainable patterns of consumption and**

**production in the tourism sector**, it is essential to strengthen national policy development and enhance capacity in the areas of physical planning, impact assessment, and the use of economic and regulatory instruments, as well as in the areas of information, education and marketing. A particular concern is the degradation of biodiversity and fragile ecosystems, such as coral reefs, mountains, coastal areas and wetlands.

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The international community and SIDS should pursue and support (of) Establishment of partnerships for sustainable tourism to effectively conserve and utilise limited resources, based on consumer and market demand and the development of community-based initiatives. Destination marketing should preserve local culture and a healthy environment;

Global Code of Ethics, WTO, 1999, Article 3.2;

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;

Malmö Declaration, 2000, preamble and Article 4;

Conscious that the root causes of **global environmental degradation** are **embedded** in social and economic problems such as pervasive poverty, **unsustainable production and consumption patterns**, inequity in distribution of wealth, and the debt burden,

Special attention should be paid to **unsustainable consumption patterns** among the richer segments in all countries, particularly developed countries. Environmental stewardship is lagging behind economic and social development, and a rapidly growing population is placing increased pressures on the environment.

World Summit on Sustainable Development, 2002, Chapter 13, 14, 15, and 16;

Fundamental changes in the way societies produce and consume are indispensable for achieving global sustainable development. All countries should promote sustainable consumption and production patterns, with the developed countries taking the lead and with all countries benefiting from the process

Encourage and promote the development of a 10-year framework of programmes in support of regional and national initiatives to accelerate the shift towards **sustainable consumption** and production to **promote social and economic development within the carrying capacity** of

ecosystems by addressing and, where appropriate, delinking economic growth and environmental degradation through improving efficiency and sustainability in the use of resources and production processes, and reducing resource degradation, pollution and waste.

**Increase investment in cleaner production and eco-efficiency** in all countries through; inter alia, incentives and support schemes and policies directed at establishing appropriate regulatory, financial and legal frameworks.

Integrate the issue of production and consumption patterns into sustainable development policies, programmes and strategies, including, where applicable, into poverty reduction strategies.

#### Existing proposals

The SG report E/CN.17/1999/5, 1999, Para 72;

Consumption patterns can be influenced through appropriate marketing, pricing and consumer education, or new forms of tourism can be developed.

Draft international covenant on environment and development, IUCN, 2000, Article 10, and 28;

The elimination of unsustainable patterns of consumption and production and the promotion of appropriate demographic policies are necessary to enhance the quality of life for all humanity and reduce disparities in standards of living.

Parties shall seek to **develop strategies to eliminate unsustainable patterns of consumption and production**. Such strategies shall be designed, in particular, to meet the basic needs of the poor and to reduce use of non-renewable resources in the production process. To this end, Parties shall:

- (a) Collect and disseminate information on consumption patterns and develop or improve methodologies for analysis;
- (b) Ensure that all raw materials and energy are conserved and used as efficiently as possible in all products and processes;
- (c) Require reusing and recycling of used materials to the fullest extent possible;
- (d) Promote product designs that increase reuse and recycling and as far as possible eliminate waste;

(e) Facilitate the role and participation of consumer organisations in promoting more sustainable consumption patterns.

(f) Ensure that sufficient product information is made available to the public in a manner that enables consumers to make informed environmental choices.

#### Limitations

Achieving sustainability, including within nature based tourism sector, requires efficiency in production and changes in consumption patterns, which in many instances, will require reorientation of existing production and consumption patterns.

Other constraints in international negotiation forums on sustainable production and consumption is the need to shift the debate from the moral arena to a more tangible economic framework and pursue the development of market mechanisms by which to address correctly the environmental costs of product consumption and material on energy use.

In addition, nature based tourism consumption patterns has a close relationship with consumers education and information. Regulating consumers' behaviour towards sustainable consumption could assist the tourism industry to fulfil its responsibility and commitment to the environment.

#### Final proposal

Parties shall promote *and accelerate* sustainable consumption and production patterns in the nature based tourism sector to eliminate environmental degradation and promote socio-economic development within their carrying capacity through improving efficiency and sustainability in the use of resources and production processes, and reducing resource degradation, pollution and waste. (WSSD Chp.14)

Each party shall take appropriate measures to develop strategies to promote and *ensure the effectiveness of* sustainable production and consumption patterns in nature based tourism activities including;

- i. Strengthen national policy development and enhance capacity in the areas of physical planning, impact assessment, and the use of economic and regulatory instruments;
- ii. Increase investment in cleaner production and eco-efficiency in nature based tourism industry;
- iii. Integrate the issue of production and consumption patterns into nature based tourism development policies, programmes and strategies,

- iv. Enhance sustainable consumption patterns through appropriate marketing, pricing, and consumer education policies; (The SG report E/CN.17/1999/5 Para 72)
- v. Collect and disseminate information on consumption patterns; (IUCN 28)
- vi. Facilitate reuse and the recycling of used materials and promote product designs that increase reuse and recycling and as far as possible to eliminate waste ;( IUCN 28)
- vii. Provide sufficient product information to enable consumers to make informed environmental choices; (IUCN 28)
- viii. Ensure that rare and precious resources, in particular water and energy, and other raw materials are conserved and used as efficiently as possible in all products and processes; (WTO Art. 3.2 and IUCN 28)

## Principle XXXVII

### Constitutional area

#### Principle of Environmental Impact Assessment

### Thematic priorities

Environmental impact assessment procedure is anticipatory, providing information about potential impacts **before** a final decision is taken, most commonly at the authorisation stage of planning procedures. This offers the possibility of imposing conditions about the siting of development projects and the mitigation of harmful environmental effects before harm occurs. Therefore, The EIA requires that environmental issues be taken into account before granting development consent in a broad range of projects.

Within the EU environmental assessment is a legal technique which is integrated into existing national or indigenous methods of scrutinising the environmental effects of development<sup>7</sup>.

### Back ground (inhibiting factors)

USA National Environmental Policy Act (NEPA) 1969, section 102;

“Legislation and other major federal actions significantly affecting the quality of the human environment [should include] a detailed statement by the responsible officials on the environmental impact of the proposed action”

Based on NEPA the environmental impact assessment is required to cover the following elements;

- A comprehensive technical description of the proposed action and a cost-benefit analysis of its probable impact on the overall environment, including ecosystems, land use and development, and the human community,
- A description of unavoidable adverse environmental impact and proposals to ameliorate this;
- Description and analysis of the alternative courses of action considered and their environmental effects;
- Resource allocation issues

USA National Environmental Policy Act (NEPA) 1969, 42 USC 4321-4361;

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<sup>7</sup> Sue Elworthy and J. Holder, 1997 Environmental protection, Butter worths, page 388

Environmental assessment was first introduced in the US in 1969 as a requirement for assessing the environmental impact of major actions, physical land use projects as well as policies, which might significantly affect the quality of the environment.

Environmental impact assessment report, OECD, 1979<sup>8</sup>;

The content of the environmental impact assessment of OECD is based on the following essential elements;

- A description of the project being assessed, in particular its characteristics with regard to emission to the environment;
- A description of the environment into which the project is to be placed;
- A description and preferably quantified estimation of each separate impact of the project on the environment;
- A consideration of alternatives, if available, including comparison of 'with project' and 'without project' future situations;
- An analysis of environmental impacts leading to an overall assessment and recommendations.

Rio Declaration, 1992, principle 17;

Environmental impact assessment, **as a national instrument**, shall be undertaken for proposed activities that are likely to have **a significant adverse impact** on the environment and **are subject to a decision of a competent national authority**.

Council of Europe Recommendation No R (94) 7, 1994, Preamble;<sup>9</sup>

Every (tourism) project should be subjected to an environmental impact assessment. Where an environmental impact assessment (EIA) is required, due to the nature and size of the project and the character of the area to be affected, the following elements should be included:

- The impact on environment, landscape, fauna, flora, water, land and energy resources;
- The impact on local infrastructure, economy, society and employment;
- The direct, indirect, immediate and long-term effects of the project;
- The effects of secondary developments (transport, new infrastructures etc);
- Adequate consultation with the local public and local communities;
- Possible remedial or compensating measures.

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<sup>8</sup> Turner, Sharon & Morrow K. Northern Ireland Environmental Law, Gill & Macmillan, 1997, Page 499

<sup>9</sup> More information on EU legislation on EIA may be found at EU Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, (the prime legal framework of EU on EIA); EU Directive 79/409/EEC on the conservation of wild birds; EU Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora; and EU Directive 2001/42/EC, 27 June 2001.

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The international community and SIDS should pursue and support (of) Establishment of regional and national environmental assessment programmes to address the carrying capacity of natural resources, including the social, economic and cultural implications of tourism development;

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

National action, policies and measures (should) **Adopt integrated planning and policies** to ensure sustainable tourism development, with particular attention to land-use planning and coastal zone management, **requiring environmental impact assessments for all tourism projects**; the continuous monitoring of the environmental impact of all tourism activities; and the development of guidelines and standards for design and construction taking into account energy and water consumption, the generation and disposal of wastes and land degradation, the proper management and protection of eco-tourism attractions, and the carrying capacity of areas for tourism.

Berlin Declaration, 1997, Para 9;

Tourism activities, including tourism planning, measures to provide tourism infrastructure, and tourism operations, which are likely to have significant impacts on nature and biological diversity should be subject to prior environmental impact assessment.

CBD, 1992, Article 14-1a;

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects and, where appropriate, allow for public participation in such procedures;

World Charter for Nature, 1982, Para 11.b and 11.c;

Activities which might have an impact on nature shall be controlled, and the best available technologies that minimise significant risks to nature or other adverse effects shall be used; in particular:

(a) Activities which are likely to cause irreversible damage to nature shall be avoided;

(b) Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed;

(c) **Activities** which may disturb nature shall be **preceded by assessment of their consequences**, and **environmental impact studies** of development Projects shall be conducted **sufficiently in advance**, and if they are to be taken, such activities shall be planned and carried out so as to minimise potential adverse effects;

Agenda 21, 1992, Para 7.41(b), and 23.2;

All countries should, as appropriate, adopt the following principles for the provision of environmental infrastructure: (b) Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences

One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. This includes the need of individuals, groups and organisations to participate in environmental impact assessment procedures and to know about and participate in decisions, particularly those which potentially affect the communities in which they live and work. Individuals, groups and organisations should have access to information relevant to environment and development held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information on environmental protection measures.

UNCLOS, 1982, Article 206;

When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or **significant and harmful changes to the marine environment**, they shall, as far as practicable, **assess the potential effects of such activities** on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.

UNFCCC, 1992, Article 4(1) (f);

Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example **impact assessments**, formulated and determined nationally, with a **view to minimising adverse**

**effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;**

Antarctic Environmental Protocol, 1991, Article 8;

1. Proposed activities referred to in paragraph 2 below shall be subject to the procedures set out in Annex I for prior assessment of the impacts of those activities on the Antarctic environment or on dependent or associated ecosystems according to whether those activities are identified as having:

- (a) Less than a minor or transitory impact;
- (b) A minor or transitory impact; or
- (c) More than a minor or transitory impact.

2. Each Party shall ensure that the assessment procedures set out in Annex I are applied in the planning processes leading to decisions about any activities undertaken in the Antarctic Treaty area pursuant to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII (5) of the Antarctic Treaty, including associated logistic support activities.

3. The assessment procedures set out in Annex I shall apply to any change in an activity whether the change arises from an increase or decrease in the intensity of an existing activity, from the addition of an activity, the decommissioning of a facility, or otherwise.

4. Where activities are planned jointly by more than one Party, the Parties involved shall nominate one of their number to coordinate the implementation of the environmental impact assessment procedures set out in Annex I.

World Summit on Sustainable Development, 2002, Chapter 91 (d), and 119 diciens;

Encourage the **voluntary use of environmental impact assessments** as an important national-level tool to **better identify trade, environment and development inter-linkages**. Further encourage countries and international organisations with experience in this field to provide technical assistance to developing countries for these purposes.

Develop and promote the wider application of environmental impact assessments, inter alia, as a national instrument, as appropriate, to provide essential decision-support information on projects that could cause significant adverse effects to the environment

#### Existing proposals

Expert group on environmental law of the World Commission of Environment and Development (concept) ;( Environmental protection and Sustainable Development, 1986, Graham and Trotman);

In the recent years, environmental assessment has been acknowledge as having a role in implementation the principle of sustainable development by assisting decision makers to take account of the quality of development, its effects upon the conservation of natural resources, as well as its location and quality.

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 17;

Develop a multidisciplinary approach for rigorous vetting of tourism development proposals, taking into account prospective cumulative impacts of tourism development, and establish environmental standards for approval of projects

The SG report E/CN.17/1999/5, 1999, Para 79;

In the absence of adequate measures, it is likely that the projected increase in the volume of international tourism will generate outcomes, such as increases in air, sea and land transportation that can harm the environment. Thus, the major challenges facing the international community are to deal with the negative trans-boundary and global impacts of tourism on the environment and to support the efforts of countries, particularly developing countries, to improve the environmental sustainability of their tourism industries at the national level. Therefore, **policy coordination and cooperation at the international level is needed to address the global environmental impacts of tourism**, as well as issues of biological diversity, coastal area management and ecotourism.

UNEP Draft Principle, 2000, Para 2.b;

Anticipate environmental impacts by undertaking comprehensive EIAs for all tourism development programmes taking into account cumulative effects from multiple development activities of all types.

Examine impacts at the regional national and local levels.

Adopt or amend legislation to ensure that EIAs and the planning process take account of regional factors, if necessary.

Ensure that project proposals respond to regional development plans and guidelines for sustainable development.

Quebec Declaration, 2002, Recommendation 14;

Institute baseline environmental impact assessment (EIA) studies and surveys that record the social environmental state of destinations, with special attention to endangered species, and invest, or support institutions that invest in research programmes on ecotourism and sustainable tourism;

Draft international covenant on environment and development, IUCN, 2000, Article 37;

Parties shall establish or strengthen environmental impact assessment procedures to ensure that all activities which are likely to have a significant adverse effect on the environment are evaluated before approval.

The assessment shall include evaluation of:

- Cumulative, long-term, indirect, long-distance, and trans-boundary effects,
- The possible alternative actions, including not conducting the proposed activity, and
- Measures to avert or minimise the potential adverse effects.

Parties shall designate appropriate national authorities to ensure that environmental impact assessments are effective and conducted under procedures accessible to concerned States, international organisations, persons and non-governmental organisations. Parties shall also ensure that the authority deciding on approval takes into consideration all observations made during the environmental impact assessment process and makes its final decision public.

Parties shall conduct periodic reviews both to determine whether activities approved by them are carried out in compliance with the conditions set out in the approval and to evaluate the effectiveness of the prescribed mitigation measures. The results of such reviews shall be made public.

Parties shall take appropriate measures to ensure that before they adopt policies, programmes, and plans that are likely to have a significant adverse effect on the environment, the environmental consequences of such actions are duly taken into account.

#### Limitations

Environmental assessment provides a conduit by which information may enter decision-making procedures, but, in theory at least, will not determine the outcome of these procedures.

#### Final proposal

Every nature based tourism project shall be subjected to prior assessment of their consequences, through an effective and sufficient Environmental Impact Assessment of proposed development projects. The EIA procedures shall include the direct, indirect, immediate and long-term effects and impacts of the proposed activity on environment, landscape, flora and fauna, water, land and energy resources as well as on local infrastructure, economy, society and employment, and on secondary development such as transport. (Charter of Nature, CE, Re.94.7)

Parties shall be ensured of active and constructive participation of local communities and indigenous people on the nature based tourism EIAs procedures. (Agenda 21 Para 23.2)

Parties and international organisations with experience in the field of EIAs, monitoring, and reporting should encourage the provision of technical assistance to developing countries for the purpose of this Covenant. (WSSD)

Each Party shall ensure that the environmental assessment procedures set out bellow are applied in any proposed nature based tourism developments to be undertaken in the destination;

1. The environmental impacts of proposed nature based tourism activity shall, before its commencement, be considered in accordance with appropriate national procedures and the activity may proceed forthwith if classified as having less than a minor or transitory impact,.

2. Otherwise, an Initial Environmental Evaluation shall be prepared. It shall contain sufficient detail to assess whether a proposed nature based tourism activity may have more than a minor or transitory impact and shall include the purpose and possible cumulative impacts as well as alternative proposals for such activity.

3 If an Initial Environmental Evaluation indicates that a proposed activity is likely to have no more than a minor or transitory impact, the activity may proceed, provided that appropriate procedures, which may include monitoring, are put in place to assess and verify the impact of the activity.

4. Otherwise, a Comprehensive Environment Assessment shall be prepared. It shall contain, inter alia, the technical description of the purpose of the proposed nature based tourism activity and a cost-benefit analysis of its probable impact on the overall environment, development, and the human community. It shall also contain a description of the initial and predicted environmental reference, a description of the methods and data used to forecast the impacts, an evaluation of the extent of likely direct impacts and consideration of indirect as well as cumulative impacts, a description of unavoidable adverse environmental impact and alternative proposals, proposing measures to avert or minimise and mitigate potential adverse effects, and the consideration of the effects of the proposed nature based tourism activity on the present situation of the local and

indigenous community and their values as well as long term economic, social, and cultural impacts. An appropriate decision shall be taken, in accordance with relevant national procedures and in compliance with the content and spirit of this Covenant. (Article 3, Antarctic treaty, Annex I)

5. In the case of approval, the implementer of the proposed nature based tourism activity shall carry on with the procedures, including appropriate monitoring of key environmental indicators, to assess the impacts of the adopted activity in regular and verifiable manners and to provide information useful for minimising or mitigating impacts. (Article 5 of Antarctic treaty, Annex I)

Parties shall designate appropriate national authorities to ensure that environmental impact assessments are effective and conducted under procedures accessible to all concerned stakeholders. Parties shall also ensure that the authority deciding on approval takes into consideration all observations made during the environmental impact assessment process and makes its final decision public. (IUCN)

Parties shall adopt or amend national legislation and institute baseline environmental impact assessment studies to record the social and environmental state of destinations, to ensure that national EIA takes account of the provision of this Covenant and the procedures set out by COPs.

The conference of the parties to the Covenant, in its first session, should examine the establishment of an International Environmental Impact Assessment Unit to address the national and regional carrying capacity of nature based tourism destinations and advise parties in a practical manner. (UNGASS) The IEIA shall also assist the committee of expert to prepare appropriate procedures for national EIA and required environmental standards for nature based tourism projects to be submitted to the conference of the parties for approval. (SG report on SIDS)

## **Principle XXXVIII**

### Constitutional area

#### Monitoring and Reporting

### Thematic priorities

This principle addresses the need to establish an appropriate mechanism to monitor and report, during and after, the implementation of EIAs procedures and the development of tourism activities in the concerned areas by using appropriate indicators.

### Back ground (inhibiting factors)

World Heritage Convention, 1972, Article 29;

The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organisation on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

These reports shall be brought to the attention of the World Heritage Committee.

The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organisation.

World Charter of Nature, 1982, Principle 19;

The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-g;

National authorities should ensure close collaboration between bodies responsible for providing reliable statistics on the tourist industry and monitoring the state of the country's environment;

Council of Europe Recommendation No R (94) 7, 1994, Article 9;

Therefore, where appropriate, every tourism project should:

- be accompanied by a monitoring programme to ensure that once in operation, the project keeps to its environmental commitments, and that unforeseen negative impacts are detected and dealt with immediately. Eco-audits should be carried out on large-scale developments;

Council of Europe Recommendation No R (97) 9, 1997, Article 4;

- ensuring that all tourist developments, once completed, comply with the various rules and regulations adopted for the protection of the environment;
- regularly assessing the effect of tourist activities on the coast, and ensuring that the carrying capacity of tourist regions is not exceeded;
- taking into account appropriate standards on drinking water, bathing water, seawater and sewage, and reducing the discharge and emission of toxic substances;
- installing instruments to monitor pollution, and providing the means of tackling pollution from land-based sources, including tourist facilities, or from pollution arising from disasters such as oil spills;
- working in cooperation with other sectors whose activities have an effect on the coast;
- ensuring that beaches are regularly cleaned, providing for the systematic microbiological monitoring of water quality, and keeping the public informed.

Decision 7/3 of CSD7, 1999, Para 5.1;

To undertake a comprehensive survey and assessment of the results of implementing existing voluntary initiatives and guidelines relating to the economic, socio-cultural and environmental sustainability of tourism, to be reported to the Commission on Sustainable Development in order to identify best practices with respect to raising awareness of sustainable tourism development;

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 27

Incorporate from the outset the tourism impact relative to key environmental factors in terms of their effect on the island environment (useful land, mobility, water, energy, materials, waste...), in global environmental problems (global warming, depletion of the ozone layer, the loss of biodiversity...); furthermore link tourism development to the sustainable planning and management of these factors in order to ensure its positive integration into their corresponding environments.

Tour Operator Initiative, UNEP, 2001, Statement of commitment Para 2.5;

We will manage and monitor the environmental, cultural and social impacts of our activities.

#### Existing proposals

CSD7 inter-sessional ad-hoc working group, chairman summary E/CN.17/1999/20, 1999, Para 24;

Local and central governments should enhance their capacity to monitor the performance of the tourism industry and to develop suitable indicators of sustainable tourism that can be used in their decision-making.

The SG report E/CN.17/1999/5, 1999, Para 76;

There is a need to improve the monitoring and reporting of industry's progress towards the objective of sustainable tourism. The Government should encourage the tourism industry to use participatory approaches involving all stakeholders to develop the monitoring and public reporting of its activities, particularly with regard to their compliance with unenforceable codes of conduct and voluntary initiatives. At the same time, local and central governments should enhance their capacity to monitor the performance of the tourism industry and to develop suitable indicators that can be used in their decision-making.

UNEP Draft Principles, 2000, Para 2.e, 3.d and 2.b;

Ensure consistent monitoring and review of tourism activities to detect problems at an early stage and to enable action to prevent the possibility of more serious damage.

Establish indicators for measuring the overall progress of tourist areas towards sustainable development.

Establish institutional and staff capacity for monitoring.

Monitor the implementation of environmental protection and related measures set out in EIAs, and their effectiveness, taking into account the effectiveness of any ongoing management requirements for the effective operation and maintenance of those measures for protection of areas where tourism activities take place.

Examine impacts at the regional national and local levels.

Quebec Declaration, 2002, Recommendation 4, 35;

The necessary regulatory and monitoring mechanisms at the national, regional and local levels, including objective sustainability indicators jointly agreed with all stakeholders and environmental impact assessment studies to be used as feedback mechanism. Results of monitoring should be made available to the general public;

(NGO's and Academic communities should) Monitor and conduct research on the actual impacts of ecotourism activities upon ecosystems, biodiversity, local and indigenous cultures and the socio-economic fabric of the ecotourism destinations;

Draft international covenant on environment and development, IUCN, 2000, Article 39;

Parties shall conduct scientific research and establish, strengthen, and implement scientific monitoring programmes for the collection of environmental data and information to determine, inter alia,

(a) The condition of all components of the environment, including changes in the status of natural resources; and

(b) The effects, especially the cumulative or synergistic effects, of particular substances, activities, or combinations thereof on the environment.

To this end and as appropriate, Parties shall cooperate with each other and with competent international organisations.

Draft international covenant on environment and development, IUCN, 2000, Article 60;

Parties undertake to submit periodic reports on the measures they have adopted, progress made, and difficulties encountered in implementing their obligations under this Covenant.

All reports shall be submitted to the Secretary-General of the United Nations.

#### Limitations

A major challenge in the field of reporting is the lack of a common methodology for environmental assessment reporting. There are endeavours taking place to promote a coordinated approach to meet this need such as SIDS global conference on sustainable development and UNEP reporting initiatives. On the monitoring issue, there is a need to draw out a monitoring framework or guidelines with the close involvement of all stakeholders. The improvement of the

monitoring and reporting of the industry's progress towards the objective of sustainable tourism is also needed.

#### Final proposal

Parties shall regularly monitor the nature based tourism areas, buffer zones, and adjacent areas including other protected areas, national parks and natural recreation centres, ecosystems, and habitats which are targets of tourism activities and contain high diversity, large numbers of endemic or threatened species, or wilderness; or containing representative or unique landscape, or of social, economic, cultural or scientific importance, or other concern expressed by CBD and UNESCO, and periodically provide reports of their observation and monitoring to the International Environmental Impact Assessment Unit which may be subjected to further consideration of the Conferences of the parties.

Parties shall establish appropriate regulatory and monitoring mechanisms at all levels to ensure consistent monitoring and review of nature based tourism activities and development, the implementation, effectiveness, and management requirements of the measures set out in EIAs, and the appropriate use of indicators for measuring the overall progress of nature based tourism areas towards sustainable development goals. (UNEP 2b, 2e and Quebec 4) Monitoring and reporting procedure shall also aim at early detection of degradation or threat and pollution, and ensure timely intervention, and facilitate the evaluation of conservation policies and methods. (World Charter of Nature, 19)

Parties shall conduct scientific research and establish, strengthen, and implement scientific monitoring programmes on the (*actual*) impacts of nature based tourism activities upon ecosystems, biodiversity, local and indigenous cultures and the socio-economic fabric of the nature based tourism areas. (Quebec Dec 33 and IUCN Art 39) The committees of experts undertake to propose appropriate mechanisms for the multilateral cooperation and involvement of competent international organisations on scientific monitoring and research programme for further consideration of the COPs.

Parties undertake to submit periodic national reports on the measures they have adopted, progress made, and difficulties encountered in implementing their obligations under this Covenant to the COPs. (IUCN, Art. 60)

The tourism industry active in nature based tourism areas shall submit to the concerned party regular reports on its activities and their effects in those areas, based on the guidelines defined by the committees of experts. These reports shall be enclosed to the national report submitted to the COPs by each party.

Each party shall enhance its capacity and establish institutional and staff capacity for monitoring, inter alia, the performance of the tourism industry operating in nature based tourism areas. (CSD7 ad hoc E/CN.17/1999/20 Para 24).

## Principle XXXIX

### Constitutional area

#### Principle of Environmental Awareness and Education

### Thematic priorities

This principle addresses the right to seek, receive, and disseminate information in respect to sustainable nature based tourism.

### Back ground (inhibiting factors)

World Heritage Convention, 1972, Article 27;

The States Parties to this Convention shall endeavour by all appropriate means, and in particular by **educational and information programmes**, to strengthen **appreciation and respect** by their peoples of the cultural and **natural heritage** defined in Articles 1 and 2 of the Convention.

They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.

World Charter of Nature, 1982, Principle 15;

Knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education.

Council of Europe Recommendation No R (95) 10, 1995, Part I g;

the aim of ensuring that the approaches adopted in protected areas serve as examples, since these places are considered as pilot areas, which tourism can use as a source of new models and new approaches.

CBD, 1992, Article 13;

The Contracting Parties shall:

(a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organisations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-h and i;

National authorities should provide environmental education and training for tourism professionals and ensure that training in the tourism sector builds awareness of the environment;

Run campaigns to build awareness of the environment among local communities, elected representatives in tourist destinations and tourists themselves;

Council of Europe Recommendation No R (97) 9, 1997, Article 7 c;

Developing interpretation programmes to increase awareness of the coastal heritage.

Manila Declaration, 1997, Principle 4;

Cooperate with and encourage the business community engaged in tourism and the travel trade to create the right image and develop appropriate marketing tools for the destination countries, and to **undertake education, information and communication services to sensitise visitors** to the culture and behavioural expectations of host communities;

International Conference on Sustainable Tourism in SIDS, 1998, Part I, principle 2;

Sustainable tourism (in SIDS) will require a **change in mentality** of all stakeholders in tourism development and management. It is thus essential that awareness campaigns and **educational programmes** be developed to **reach the various stakeholders**.

International Conference on Sustainable Tourism in SIDS, 1998, Part II, Para 34

The promotion of social awareness-raising campaigns regarding STD among all sectors and players directly and indirectly involved in tourism is an indispensable requirement for tackling the cultural change it requires. These campaigns should be coordinated and disseminated in line with the characteristics of their specific audiences: tourism entrepreneurs, visitors, workers, general public, training centres.

Global code of Ethics, WTO, 1999, Article 2.4, 3.3, 5, 6.6;

Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial forms of tourism, which deserve encouragement;

The staggering in time and space of tourist and visitor flows, particularly those resulting from paid leave and school holidays, and a more even distribution of holidays should be sought so as to reduce the pressure of tourism activity on the environment and enhance its beneficial impact on the tourism industry and the local economy;

The introduction into curricula of education about the value of tourist exchanges, their economic, social and cultural benefits, and also their risks, should be encouraged

The press, and particularly the specialised travel press and the other media, including modern means of electronic communication, should issue honest and balanced information on events and situations that could influence the flow of tourists; they should also provide accurate and reliable information to the consumers of tourism services; the new communication and electronic commerce technologies should also be developed and used for this purpose; as is the case for the media, they should not in any way promote sex tourism;

Decision 7/3, CSD7, 1999, Para 3(g), 3(h), 3(l), 4(b), 5(c);

The Commission urges Governments to welcome the major groups' agreement to promote sustainable tourism development through music, art and drama and to participate in such educational activities;

The commission urges Governments to facilitate destination-specific in-flight educational videos and other materials on sustainable development in relation to tourism and to encourage airline carriers to routinely screen such videos on all international and long-haul domestic routes;

The Commission urges Governments to support appropriate measures to better inform tourists about cultural, ecological and other values and provide accurate information on the safety of tourist destinations, so as to enable consumers to make informed choices.

The Commission calls upon the tourism industry to further commit itself to the goal of sustainable tourism development by working towards guiding principles and objectives for sustainable tourism development and information for tourists on ecological and cultural values in destination regions;

The Commission invites, as appropriate, Governments and major groups, as well as the United Nations system, in close collaboration with the World Tourism Organisation, while building on relevant work carried out by the UNEP, UNESCO, UNCTAD, ILO and CBD and other relevant conventions and organisations to encourage more responsible behaviour among tourists through ensuring respect for national laws, cultural values, social norms and tradition as well as by increasing public awareness, in addition to other measures;

Council of Europe Recommendation No R (99) 16, 1999, Recommendation e;

Ensure that national education and training systems take account of current requirements for the administration and environmental management of tourism businesses throughout the course and teach these as a main subject and not as an option;

Council of Europe Recommendation No R (99) 16, 1999, Recommendation a;

ensure that the principles of biological and landscape diversity protection and sustainable development are included in the curricula of schools, institutes and universities providing tourism education, as well as in vocational training programmes, in accordance with the principles set out in the appendix to this recommendation;

Tour Operator Initiatives, UNEP, 2001, statement of obligations Para 3.1;

We wish to create awareness and active involvement among our customers towards the natural, social and cultural environment of the places they visit. We further wish to encourage host communities and our customers to develop a better understanding and mutual respect for one another. We will endeavour in our public communication and advertising to promote behaviour and activities compatible with the principles of sustainable development and management of tourism.

Malmö declaration, 2000, preamble and Article 20;

Also conscious that success in **combating environmental degradation** is dependent on the full participation of all actors in society, **an aware and educated population**,

There is a need for **independent and objective media** at all levels in **enhancing awareness** and developing shared **environmental values** in global society. The media can serve the cause of sustainable development by identifying emerging issues, awareness-raising and promoting appropriate action.

World Summit on Sustainable Development, 2002, Chapter 41 (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;

World Summit on Sustainable Development, 2002, Chapter 119 ter, and 119 quater;

Ensure access, at the national level, to environmental information and judicial and administrative proceedings in environmental matters, as well as public participation in decision-making, so as to further principle 10 of the Rio Declaration on Environment and Development, taking into full account principles 5, 7 and 11 of the Declaration.

Strengthen national and regional information and statistical and analytical services relevant to sustainable development policies and programmes, including data disaggregated by sex, age and other factors, and encourage donors to provide financial and technical support to developing countries to enhance their capacity to formulate policies and implement programmes for sustainable development.

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part III, Principle 15-17;

All persons have the **right to information** concerning the environment. This includes information, howsoever compiled, on actions and courses of conduct that may affect the environment and information necessary to **enable effective public participation in environmental decision-making**. The information shall be timely, clear, understandable and available without undue financial burden to the applicant.

All persons have the right to hold and express opinions and to disseminate ideas and information regarding the environment.

All persons have **the right to environmental** and human rights **education**.

Agenda 21 for the Travel and Tourism, 1996, part II Para 8;

Travel and Tourism companies are ideally placed to communicate the importance of environmental issues to staff, customers, and the communities within which they operate. If the lessons learnt are put into action at home, the benefits of programmes adopted by Travel and Tourism companies will be multiplied.

The European Charter for sustainable tourism in protected areas, 1995, Principle 7;

Tourist products or facilities in protected areas should aim to offer education and interpretation, in particular for the benefit of young people and schoolchildren, to encourage people to understand and learn more about protected areas.

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 15;

Develop and put in place effective educational programmes to raise the awareness of the local population about the good and bad aspects of tourism. Such programmes need to emphasise tourism as cultural exchange, counter undesirable demonstration effects of tourists' lifestyles on the local culture and consumer habits and emphasise the pernicious consequences of the spread of drugs and diseases, particularly HIV/AIDS.

The SG report E/CN.17/1999/5, 1999, Para 74;

It is important to ensure that sustainability issues are fully integrated into courses at all levels of education in order to develop environmental awareness and the skills required to promote sustainable tourism. In order to ensure that sustainable tourism becomes the concern of the whole industry, it is necessary for Governments to work in partnership with the tourism industry to develop training programmes and networks to exchange training materials dealing with environmental protection. In addition, non-governmental organisations have made important contributions to raising community awareness of environmental and sustainability issues, and such activities should be supported.

CSD7 Inter-sessional ad-hoc working group on sustainable consumption and on tourism, 1999, the co-chairman summary E/CN.17/1999/20 Para 15(f) and (g);

The need to inform people of the benefits to be gained from sustainable tourism development through community awareness campaigns;

The need to raise public awareness about sustainable tourism and to encourage more responsible behaviour among tourists;

Multi-stakeholders dialogue CSD7, 1999, chairman summary E/CN.17/1999/20 Para 14, 15, 16, 17, and 20;

Education efforts should focus not only on travellers but also on investors, workers and host communities. Special attention needs to be given to young people and their participation both as recipients of education and as partners in developing education programmes. These efforts should be applied in both **formal and informal education**. The ultimate goal of **sustainable tourism education** should be to move all relevant actors from short-term to long-term thinking and planning.

The Governments, the tourism industry and other stakeholders should establish **programmes to raise public awareness** about the impact of tourists on destinations, to promote respect for local communities and their cultures, and to protect the environment.

The **media** should be encouraged to act as an agent for influencing positive consumer behaviour. Governments were urged to encourage advertising messages that were consistent with sustainable development principles and objectives.

It was also proposed that a **sustainable tourism covenant**, to be developed with major groups' participation, could promote **higher standards of tourist behaviour**.

Participants supported the idea of **an inter-agency effort**, with stakeholder participation, to look at current activities aimed at influencing consumer behaviour and improving consumer advocacy. This effort would consider how to enhance the effectiveness of existing initiatives and activities, as well as research and evaluate the impact of price mechanisms and legislation on consumer behaviour.

Marketing and promotional actions in protected areas shall help increase visitors' awareness of environmental protection and encourage respect for local tradition and customs. Marketing and promotional messages shall highlight the authentic values and assets of the territory, and assist the visitor management by encouraging the public to visit the protected areas in the off-season.

Draft international covenant on environment and development, IUCN, 2000, Article 12.3;

All persons, without being required to prove an interest, have the right to seek, receive, and disseminate information in respect to the environment; subject only to such restrictions as may be provided by law and are necessary for respect for the rights of others, for the protection of national security or for the protection of the environment.

Draft international covenant on environment and development, IUCN, 2000, Article 44;

Parties shall disseminate environmental knowledge by providing to their public and, in particular, to indigenous peoples and local communities, information, educational materials, and opportunities for environmental training and education.

Parties shall cooperate with each other, and where appropriate with competent international and national organisations, to promote environmental education, training, capacity building, and public awareness.

Quebec Declaration, 2002, Recommendation 17, 18, 29;

Promote and develop educational programmes addressed to children and young people to enhance awareness about nature conservation and sustainable use, local and indigenous cultures and their relationship with ecotourism;

Promote collaboration between outbound tour operators and incoming operators and other service providers and NGOs at the destination to further educate tourists and influence their behaviour at destinations, especially those in developing countries;

(Private sector should) Generate awareness among all management and staff of local, national and global environmental and cultural issues through ongoing environmental education, and support the contribution that they and their families can make to conservation, community economic development and poverty alleviation;

### Limitations

There is a need to develop concepts and criteria of sustainable nature based tourism and incorporate them within education and training programmes for the guest and host communities and tourism professionals. Any investment on education of all stakeholders has a direct effect on the preservation and protection of cultural and environmental values and assets of the destination.

### Final proposal

Acknowledging that all persons have the right to seek, receive, and disseminate information in respect to the environment; (IUCN Art. 12.3)

Parties shall promote and encourage understanding of the principles and values of sustainable nature based tourism and the importance of responsible behaviour in the nature based tourism areas (CBD Art 13) to eliminate the negative impact of tourism, to promote respect for local communities and their cultures, and to protect the environment of nature based tourism areas. (E/CN.17/1999/20)

Parties shall cooperate with each other and where necessary with relevant international organisations in developing educational and public awareness programmes on the conservation and sustainable use of nature based tourism areas (CBD Art. 13) to encourage wide participation on nature based tourism, enable indigenous and local communities to develop and benefit from it, and enhance stakeholder cooperation in (nature based tourism) development and heritage preservation, in order to improve the protection of the environment, natural resources and cultural heritage of nature based tourism areas; (WSSD Chp.41)

Each party shall keep the public broadly informed, by all appropriate means including educational and information programmes, of the dangers threatening their natural and cultural heritage and of the need to conserve the environment and to preserve the cultural diversity of nature based tourism areas. (WHC Art. 27 and World Charter of Nature, 15)

Each party, with close collaboration of the tourism industry, shall;

- i. provide environmental education and training for tourism professionals;(EC Re 94.7 1h)
- ii. build up environmental awareness among local communities;
- iii. develop interpretation programmes to increase awareness of the nature based tourism areas;
- iv. employ appropriate marketing tools to disseminate the right image of the area; (EC Re 97.9, 7)
- v. integrate nature based tourism into formal and informal education programmes; (EC Re 97.9 Art. 7c)
- vi. employ arts to promote tourism educational activity;(CSD 7/3, 3)
- vii. seek innovative initiatives and use of modern means of communication for enhancement of public awareness;(CSD 7/3, 3h and WTO 6.6)
- viii. formulate programmes to educate the young and children in nature based tourism areas;(EU charter for sustainable tourism 7)
- ix. develop the networks to exchange relevant training materials; (The SG report E/CN.17/1999/5)
- x. encourage and support non-governmental organisations to contribute to nature based tourism awareness campaign; (The SG report E/CN.17/1999/5)
- xi. create an inter-agency body with the participation of all stakeholders to seek the ways and means of influencing consumer behaviour; ( CSD7 dialogue, 20)

Parties shall cooperate to encourage independent and objective media at all level to provide tourists with accurate and reliable information and enhance awareness on the socio-cultural and environmental values of nature based tourism areas (Malmo Dec Art 20)

## Principle XL

### Constitutional area

#### Clearing House Mechanism

### Thematic priorities

The need to establish a body to facilitate the exchange of information and disseminate best practices at an international level, as well as enhance the awareness of using nature based tourism areas wisely and sustainably.

### Back ground (inhibiting factors)

World Charter of Nature, 1982, Principle 18;

Constant efforts shall be made to increase knowledge of nature by scientific research and to disseminate such knowledge unimpeded by restrictions of any kind.

European Directive to establish The European Environment Agency and European Environment Information and Observation Network (EIONET), Directive EEC/1210/90, 1990, Article 2; on the agency tasks;

The Directive purpose is to provide objective, reliable and comparable information which is accessible to both community and member states (Article 1, 2). Although neither the Agency nor the EIONET has an inspectorate capacity, both play a significant role in reinforcing existing EC powers to monitor the implementation of EC environmental standards within the legal system of each member state. (Northern Ireland Environmental Law, 1997, S. Turner & K. Morrow page 58)

The duties of European Environmental Agency expressed by its executive director;

“ providing early warning of impending environmental problems; ensuring that [approaches to environmental regulation are based on ] informed choice; helping to improve the design of policy instruments; monitoring and evaluating the effectiveness of regulations and other actions; empowering the public NGO's and business to take action; spotlighting the deficiencies in the data, so that the scientific community can start filling the gaps; highlighting the inadequacies at member state level, so that improvements in both data gathering and enforcement capacities are encouraged; disseminating details of good practice both in data collection and in environmental technology”. (Domingo Jimenez-Berltran, annual Cambridge Environmental Lecture, 1995, European Environmental Law Review 265)

CBD, 1992, Article 18(1, 2, 3, 4, and 5);

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, *inter alia*, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this Convention.

CBD, 1992, Article 17(1 and 2);

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialised knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

Tourism resources part of the Barbados Plan of Action of Sustainable Development of SIDS, 1994; Annex II part VIII;

Regional action (should) Establish or strengthen regional mechanisms for the exchange of information on the development of a safe and sustainable tourism sector, using, as appropriate, the capacities of regional tourism organisations.

Charter for Sustainable Tourism, 1995, Lanzarote, Para 13;

Governments, industry, authorities, and tourism-related NGOs should promote and participate in the creation of open networks for research, dissemination of information and transfer of appropriate knowledge on tourism and environmentally sustainable tourism technologies.

Berlin Declaration, 1997, Para 8;

Inventories of tourism activities and attractions should be developed, taking into account the impacts on ecosystems and biological diversity. Co-ordinated efforts of governments, the private sector and all other stakeholders should be undertaken to agree on criteria to measure and assess the impacts of tourism on nature and biological diversity. In this regard, technical and scientific cooperation should be established through the clearing house mechanism of the Convention on Biodiversity.

Manila Declaration, 1997, Principle 6;

Enhance and strengthen international coordination and monitoring systems through liaison and networking among governments, private sector and concerned parties with a view to promoting the positive aspects and eradicating the negative impacts of tourism;

International Conference on Sustainable Tourism in SIDS, 1998, Part I, Para 3;

Assist with the development and implementation of transfer of technology and know-how and more widely with sustainable development approaches in the tourism sector; develop exchange of experiences at the international level on sustainable tourism in SIDS; on existing pilot projects and good practices, indicators and observatories;

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The development and promotion of sustainable tourism will require efforts undertaken by SIDS at the national and regional levels. Particular attention will be required to coordinate eco-tourism ventures at the regional level and to facilitate the sharing of information and experiences and the integration of the private sector within official development assistance supported eco-tourism projects.

The international community and SIDS should pursue and support (of) Improvement of the collection and use of tourism data as a means to facilitate the development of sustainable tourism;

The international community and SIDS should pursue and support (of) (c) Encouragement of the use of modern technologies and communications systems that effectively maximise the use of global, regional and national information in support of sustainable tourism development;

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, information management, SIDS network part

The international community and SIDS should pursue and support (of):

(a) Facilitation of the transfer, as set forth in the Programme of Action, of modern technology and communication systems in order to promote their use;

(b) Addressing the constraints to Internet connectivity;

(c) Improvement of the information packaging in relation to sustainable development;

(d) Encouragement of private sector opportunities and involvement;

(e) Provision of necessary human resources support and training;

(f) Establishment of links to existing clearing house and similar network mechanisms and other relevant conventions;

(g) Invitation of appropriate international cooperation for the above purposes;

(h) Strengthening of the Network as an important source of information on best practices in environmental management.

Global Code of Ethics, WTO, 1999, article 9. 4;

Exchanges of experience offered to executives and workers, whether salaried or not, from different countries, contributes to foster the development of the world tourism industry; these movements should be facilitated so far as possible in compliance with the applicable national laws and international conventions;

Decision 7/3 of CSD7, 1999, Para 5f, 5m, and 5e;

Promote the exchange of information on transportation, accommodation and other services, public awareness-raising programmes and education, and various voluntary initiatives and ways to minimise the effects of natural disasters on tourism.

To consider establishing a global network, taking into account the work of the World Tourism Organisation, regional mechanisms and all major groups, as appropriate, to promote an exchange of information and views on sustainable tourism development, including on ecotourism,

To provide relevant direction on research activities, and collect and disseminate information on best practices and techniques, including an appropriate mix of instruments to minimise negative and to promote positive environmental, social and cultural impacts from tourism in developed and developing countries and in countries with economies in transition,

#### Existing proposals

Addendum report of SG on Sustainable Tourism Development in SIDS (E/CN.17/1999/6/Add.11), 1999, Part I, Para 3;

The main objectives of the promotion of tourism as a growing sector are to accelerate the growth of national incomes, gainful employment, foreign exchange earnings and government tax revenues. A thorough evaluation of tourism in SIDS with respect to these parameters is currently hampered by the incompleteness of data. Current data, however, is not available on the overall contribution of tourism to employment in SIDS.

UNEP Draft Principles, 2000, 4.b, and 4.c;

Raise awareness of sustainable tourism and its implementation by promoting exchange of information between governments and all stakeholders, on best practice for sustainable tourism, and establishment of networks for dialogue on implementation of these Principles ; and promote broad understanding and awareness to strengthen attitudes, values and actions that are compatible with sustainable development.

Exchange information between governments and all stakeholders, on best practice for sustainable tourism development and management, including information on planning, standards, legislation and enforcement, and of experience gained in implementation of these Principles,

Use International and regional organisations, including UNEP, can assist with information exchange,

Encourage development of networks for the exchange of views and information.

Transfer know-how and provide training in areas related to sustainability in tourism, such as planning, legal framework, standards setting, administration and regulatory control, and the application of impact assessment and management techniques and procedures to tourism. Facilitate the transfer and assimilation of new environmentally-sound, socially acceptable and appropriate technology and know-how.

Quebec Declaration, 2002, Recommendation 41 and 42;

(International Organisation should) Incorporate multi-stakeholder dialogue processes into policies, guidelines and projects at the global, regional and national levels for the exchange of experiences between countries and sectors involved in ecotourism;

Strengthen efforts in identifying the factors that determine the success or failure of ecotourism ventures throughout the world, in order to transfer such experiences and best practices to other nations, by means of publications, field missions, training seminars and technical assistance projects;

Draft international covenant on environment and development, IUCN, 2000, Article 40, and 43;

Parties shall promote scientific and technical cooperation in the field of environmental conservation and sustainable use of natural resources, in particular with developing countries. In promoting such cooperation, special attention should be given to the development and strengthening of national capacities, through the development of human resources, legislation and institutions.

Parties shall:

- (a) Cooperate to establish comparable or standardized research techniques, harmonise international methods to measure environmental parameters, and promote widespread and effective participation of all States in establishing such international methodologies;
- (b) Exchange, on a regular basis, appropriate scientific, technical and legal data, information and experience, in particular concerning the status of biological resources; and
- (c) Inform each other on their environmental conservation measures and endeavour to coordinate such measures.

Parties shall facilitate the exchange of publicly available information relevant to the conservation and sustainable use of natural resources, taking into account the special needs of developing countries.

Parties shall require that access to indigenous knowledge be subject to the prior informed consent of the concerned communities and to specific regulations recognising their rights to, and the appropriate economic value of, such knowledge.

#### Limitations

The nature based tourism CHM should carefully design to meet its main objective. It should be flexible and compatible with various levels of the parties' capacity and facilitate exchange of information. It should serve as a mechanism to fulfil the relevant need of the parties and assist decision-making. More importantly, it should be an action oriented mechanism while benefiting from a decentralised structure. The CHM should promote and facilitate technical and scientific cooperation and develop a global mechanism for exchanging and integrating information on nature based tourism. It should develop the necessary human and technical capacities and facilitate transfer and use of environmentally sound technology.

#### Final proposal

Parties shall agree to develop the criteria to measure and assess the impact of tourism on natural and biological diversity of the nature based tourism areas. (Berlin Dec 8)

Parties, with the active participation of all stakeholders, shall promote international technical and scientific cooperation in the field of nature based tourism through the establishment of a clearing house mechanism as an appropriate international institution, taking into account the work of relevant international organisations, regional instruments and all major groups. (CBD Art.18.2 &3, and CSD 5m)

The first Conference of the Parties, shall explore the best approach to establish nature based tourism Clearing House Mechanism (CHM) on the following bases;

- i. Promote international and bilateral technical and scientific cooperation on nature based tourism ;( CBD 18.1)
- ii. Encourage development of networks for the exchange of views and information between all stakeholders; (UNEP Draft 4c)
- iii. Facilitate the exchange of information between all stakeholders including the exchange of results of technical, scientific and socio-economic (as well as environmental) research

and collect and disseminate information on best practices and techniques, (CBD 17.1 and CSD 5e)

- iv. Also promote the exchange of information between all stakeholders on transportation, accommodation and other services, public awareness-raising programmes and education, and various voluntary initiatives and ways to minimise the effects of natural disasters on tourism. (CDS, 5f)
- v. Promote the establishment of joint research programmes; (CBD 18.5)
- vi. Promote cooperation in the training of personnel and exchange of experts; (CBD 17.2)
- vii. Strengthen regional mechanisms for the exchange of information; (Barbados POA Part4)
- viii. Facilitate the transfer of nature based tourism knowledge and environmentally sound and sustainable tourism technologies; (Lanzarote Charter for ST, 13)
- ix. Promote the positive aspects and eradicate the negative impacts of nature based tourism; (Manila Dec. 6)
- x. Facilitate the sharing of experiences and exchange information between all stakeholders, on best practice for nature based tourism development and management, including information on planning, standards, legislation and enforcement, and of experience gained in implementation process; (UNEP Draft 4b)
- xi. Facilitate the integration of the private sector within official development assistance support of nature based tourism projects; (UNGASS, 22<sup>nd</sup> session)
- xii. Provide early warning of impending environmental problems;
- xiii. Facilitate national authorities to improve the design of policy instruments; monitoring and evaluating the effectiveness of regulations;
- xiv. Assist national authorities to make informed choices in their approaches to regulate national nature based tourism activities; (The duties of European Environmental Agency)
- xv. Identify the factors that determine the success or failure of ecotourism ventures and disseminate them by means of publications, field missions, training seminars and technical assistance projects (Quebec Dec. 42)
- xvi. Inform each other on their environmental and social measures within nature based tourism areas and endeavour to coordinate such measures. (IUCN, 41)

Parties shall require that access to indigenous knowledge be subject to the prior informed consent of the concerned communities and to specific regulations recognising their rights to, and the appropriate economic value of, such knowledge. (IUCN 43)

## **Principle XLI**

### Constitutional area

#### Principle of Employment of Environmentally Sound Technology

### Thematic priorities

This principle addresses the need to consider use of Environmentally Sound Technology in nature based tourism development to achieve sustainability and to protect destination environment.

### Back ground (inhibiting factors)

Basel Convention, 1989, Article 10.d;

Cooperate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also cooperate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

Montreal Protocol on Ozone Layer, 1990, Article 10a;

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

(a) That the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and

(b) That the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

Rio Declaration, 1992, Principle 7 and 9;

The developed countries acknowledge the responsibility that they bear in the international pursuit to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

States should cooperate to strengthen endogenous capacity building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies

Convention on biological Diversity, 1992, Article 16;

1. Each Contracting Party, recognising that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognise and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs 1, 2 and

5. The Contracting Parties, recognising that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

UNFCCC, 1992, Article 4(5);

The developed country Parties and other developed Parties included in Annex II shall take all practicable steps **to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties**, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organisations in a position to do so may also assist in facilitating the transfer of such technologies.

Barbados Declaration, 1994, Part II, Para III;

The **international community should cooperate** with SIDSs in the implementation of the Programme of Action for the Sustainable Development of SIDS by providing effective means, including adequate, predictable new and additional financial resources in accordance with chapter 33 of Agenda 21; facilitating the **transfer of environmentally sound technology**, including on concessional and preferential terms as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries; **and promoting fair, equitable and non-discriminatory trading arrangements** and a supportive international economic system.

Council of Europe Recommendation No R (97) 9, 1997, Article 4;

- promoting technological innovations and ways of minimising water and energy consumption and the production of waste;

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, transfer of environmentally sound technology part;

The international community and SIDS should pursue and support (of):

- (a) Development of and participation of small island developing States in clean technology initiatives, including the identification of investment opportunities in environmentally sound technologies and environmental management practices;
- (b) Promotion of access by SIDS to information on the availability of environmentally sound technologies and terms of their transfer, in particular in areas identified for priority action;
- (c) Building of capacities of SIDS for science and technology needs assessment and technology assessment;
- (d) SIDS in the development of networking technology-related institutional support structures, including information systems and sources, technology centres, enterprise development centres, and research and development institutions;
- (e) Provision of support to SIDS and their institutions involved in technologies and technology information through multilateral and bilateral support;
- (f) Encouragement of private sector participation, inter alia, through the use of partnership arrangements, including public-private partnerships, in developing cooperation between SIDS and other countries in order to facilitate the transfer and use of environmentally sound technology and environmentally sound technology-related investments to SIDS as set forth in the POA
- (g) Encouragement of strategic alliances between research and development institutions and potential technology users to harness the creative capabilities of the scientific communities in the development of new, proven and innovative adaptation strategies and relevant technologies

suitable to the particular circumstances of small island developing States, for example, in the context of the United Nations Framework Convention on Climate Change.

Malmö declaration, 2000, Article 6 and 11;

Technological innovation and the emergence of **new resource-efficient technologies**, in which the private sector plays a major role, provide a source of great hope and increased opportunities to avoid the environmentally destructive practices of the past including through clean technologies.

A greater commitment by the private sector should be pursued to engender a new culture of environmental accountability through the application of the polluter-pays principle, environmental performance indicators and reporting, and the establishment of a precautionary approach in investment and technology decisions. This approach must be linked to the development of cleaner and more resource **efficient technologies for a life-cycle economy and efforts to facilitate the transfer of environmentally sound technologies.**

#### Existing proposals

The SG report E/CN.17/1999/5, 1999, Para 27 and 82;

Multilateral and regional **financing institutions** should give **high priority to appropriate strategies for the environmentally and financially sustainable development of tourism** and related sectors, in particular for financing infrastructure projects, the provision of modern telecommunications services under pro-competitive regulatory regimes and human resource development activities.

A challenge for the international community is to help countries to progressively raise environmental standards and to adopt technologies that enhance environmental protection without unduly reducing the international competitive position of tourism enterprises. In this regard, tourism activities that employ environmentally sound technologies to save water and energy, prevent pollution, treat waste water, minimise solid waste production and encourage recycling should be promoted to the fullest extent. The international community will have to strengthen development cooperation to make tourism development more environmentally sustainable, while emphasising financial support and measures to accelerate the transfer of environmentally sound technology.

CSD7 inter-sessional ad-hoc working group, chairman summary E/CN.17/1999/20, 1999, Para 37;

The international community should strengthen development cooperation to make tourism development more environmentally sustainable, while emphasising financial support and measures to accelerate the transfer of environmentally sound technology to developing countries.

UNEP Draft Principles, 2000, Para 3.c;

Minimise resource use and the generation of pollution and wastes by using and promoting environmentally-sound technologies (ESTs) for tourism and associated infrastructure.

Develop and implement international agreements which include provisions to assist in the transfer of Environmentally Sound Technologies (ESTs) for the tourism sector, such as the Clean Development Mechanism of the Kyoto Protocol for energy-related issues.

Promote introduction and more widespread use of ESTs by tourism enterprises and public authorities dealing with tourism or related infrastructures, as appropriate, including the use of renewable energy and ESTs for sanitation, water supply, and minimisation of the production of wastes generated by tourism facilities and those brought to port by cruise ships.

Draft international covenant on environment and development, IUCN, 2000, Article 41;

Parties shall encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies on mutually agreed terms, with a view to accelerating the transition to sustainable development, in particular by establishing joint research programmes and joint ventures.

#### Limitations

A variety of limitations make the application of transfer of environmentally sound technologies more complicated. This kind of technology needs enough time and funds and well established research institutions to achieve and therefore its availability require more international terms of references and mutual trust. The issue of intellectual property rights of ESTs should also be appropriately addressed to avoid any misuse and misunderstanding amongst stakeholders and encourage, particularly, private sectors to take part in the transfer of ESTs

#### Final proposal

Parties shall encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies (ESTs) for tourism and associated industry

to minimise resource use and the generation of pollution and wastes in, and maximise protection and sustainable use of, nature based tourism areas by:

- i. develop and implement mutually agreed terms on the ESTs;
- ii. establish joint research programmes and joint ventures on the ESTs;
- iii. promote and facilitate use of ESTs by tourism industry; (IUCN Art. 41, UNEP Draft 3.c)
- iv. promote of access to ESTs information; (UNGASS)
- v. cooperate in developing the technical capacity among each others (Basel Art 10.d);
- vi. undertake fair and most favourable conditions for the transfer of ESTs; (CBD Art 16)

Parties shall progressively raise environmental standards by, inter alia, introduction and adoption and promotion of use of environmentally sound technologies including appropriate technologies to save (rare and precious resources) (water and energy), waste and pollution treatment, recycling, and sustainable transportation to enhance environmental protection in nature based tourism areas while promoting sustainable tourism development and preventing unduly reducing of the international competitive position of tourism industry. (The SG report E/CN.17/1999/5, Para 82)

Parties shall cooperate with relevant international organisations to support technical and financial facilities for transfer of ESTs. (E/CN.17/1999/20)

Parties of origin shall take appropriate measures to promote, facilitate and finance the transfer of, or access to, environmentally sound technologies and know-how to the destination Parties to enable them to protect their environment and promote sustainable tourism development based on the provision of the Covenant. (UNFCCC Art. 4.5)

## Principle XLII

### Constitutional area

#### Principle of Capacity Building and Technical Cooperation

### Thematic priorities

This Principle addresses the need to develop capacity building among major group particularly local communities and local tourism industry in nature based tourism development to facilitate their effective partnership, sharing benefits and achieving sustainability in the destinations.

### Back ground (inhibiting factors)

Council of Europe Recommendation No R (97) 9, 1997, Article 7 a;

Developing awareness-raising campaigns and training programmes for:

- Tourists and tourism professionals, in order to increase their awareness of the quality of the environment and not only of the appeal, but also of the vulnerability of certain sites, and of the value of an often underrated heritage and of local culture and traditions;
- Decision-makers, to enable them to choose the most appropriate and viable type of development for their municipalities;
- Local authority staff and local teams responsible either for promoting tourism or for operating specific amenities;
- Local inhabitants, to make them aware not only of the attractive features of their region but also of the vulnerability of the areas in which they live;
- Officials responsible for town planning, restoration and rehabilitation, to help them promote environment-friendly architecture.

UNGASS Declaration on SIDS, 1999, Para 5;

Call on the international community to provide support for capacity and institutional building programmes and projects in small island developing States, and, where appropriate, to support the establishment of training centres and other relevant capacity building efforts;

Decision 7/3 of CSD7, 1999, Para 3 (d);

The Commission urges Governments to undertake capacity building work with indigenous and local communities in order to facilitate their active participation, at all levels of the tourism

development process, including transparent decision-making and sharing of benefits, and to create awareness of the social, economic and environmental costs and benefits that they are bearing;

Decision 7/3 of CSD7, 1999, Para 5 (b);

The Commission invites, as appropriate, Governments and major groups, as well as the United Nations system, in close collaboration with the World Tourism Organisation, while building on relevant work carried out by the UNEP, UNESCO, UNCTAD, ILO CBD and other relevant conventions and organisations to support national efforts by countries, especially developing countries and countries with economies in transition, and major groups towards sustainable tourism development through relevant capacity building activities and programmes as well as multilateral and bilateral financial and technical assistance, and appropriate technologies in all aspects of sustainable tourism development, including environmental impact assessment and management and education in the field of tourism;

Manila Declaration, 1997, Principle 5;

Recognise the role of human resources development in tourism and establish long-term programmes that support greater employment of the local labour force in tourism and provide appropriate measures as well as opportunities for a greater and more positive participation of women and youth;

Council of Europe Recommendation No R (99) 16, 1999, preamble and recommendation c;

Emphasising the almost total lack of training programmes with an environmental dimension for tourism professionals, planners, managers, co-ordinators, decision-makers and financial backers at a time when a growing number of business leaders are making environmental conservation part of company policy;

Convinced that it is necessary to incorporate environmental management principles into tourism training programmes, at all levels and for all tourism occupations, and to continue the action already taken to promote a new code of ethics for tourism in order to improve its quality and competitiveness, and considering that environmental education and training are central to any long-term strategy for the protection and conservation of biodiversity and landscapes;

Ensure that environmental management training is tailored to different target publics and to participants' roles (promoters and financial backers of tourist facilities, government departments and local authorities);

Malmö declaration, 2000, Article 3;

We must also recognise the central importance of environmental compliance, enforcement and liability, and promote the observation of the precautionary approach as contained in the Rio Principles, and other important policy tools, as well as capacity building.

World Summit on Sustainable Development, 2002, Chapter 41(c), and 42 (g);

**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;

Develop community-based initiatives on sustainable tourism by 2004, and **build the capacities necessary to diversify tourism products**, while protecting culture and traditions, and effectively conserving and managing natural resources;

World Summit on Sustainable Development, 2002, Chapter 101, 102, 118 and 119 bis;

Assist developing countries in building capacity to access a larger share of multilateral and global research and development programmes. In this regard, strengthen and, where appropriate, create centres for sustainable development in developing countries.

Build greater capacity in science and technology for sustainable development, with action to improve collaboration and partnerships on research and development and their widespread application among research institutions, universities, the private sector, governments, NGOs and networks, as well as between and among scientists and academics of developing and developed countries, and in this regard encourage networking with and between centres of scientific excellence in developing countries.

Enhance and accelerate human, institutional and infrastructure capacity building initiatives, and promote partnerships in that regard that respond to the specific needs of developing countries in the context of sustainable development.

Provide technical and financial assistance to developing countries, including through the strengthening of capacity building efforts

### Existing proposals

Agenda 21 for the Travel and Tourism, 1996, part I, Principle 3;

To educate all stakeholders in Travel & Tourism about the need to develop more sustainable forms of tourism and to provide them with the necessary skills to carry out tasks in this respect,

Train all staff, from top management to temporary employees, in environmental issues

Ensure that all members of the community have access to training and promotional opportunities

The SG report E/CN.17/1999/5, 1999, Para 14;

Attention to human resources development and training of local workers, for instance, enhances not only the quality of tourism services but also the overall skills and capabilities of the local workforce.

The SG report E/CN.17/1999/5, 1999, Para 16;

It is also important that Governments undertake capacity building to promote partnerships and enhance dialogue with all major groups in society.

Quebec Declaration, 2002, Recommendation 34, 43, and 45;

(NGO's and academic communities should) Provide technical, financial, educational, capacity building and other support to ecotourism destinations, host community organisations, small businesses and the corresponding local authorities in order to ensure that appropriate policies, development and management guidelines, and monitoring mechanisms are being applied towards sustainability;

(International Organisation should) Adapt as necessary their financial facilities and lending conditions and procedures to suit the needs of micro-, small- and medium-sized ecotourism firms that are the core of this industry, as a condition to ensure its long term economic sustainability;

(International Organisation should) Develop financial mechanisms for training and capacity building that takes into account the time and resources required to successfully enable local communities and indigenous peoples to participate equitably in ecotourism development.

### Limitations

One of the major constraints on the sustainable development of tourism development is the lack of sufficient capacity particularly amongst local communities and indigenous people. Such a problem

will increase the gap between local people and the rest of tourism industry in the destination and will create unsustainable conditions.

Another issue is the lack of training programmes with an environmental dimension for nature based tourism activists at a time when the number of visitors dramatically growing. This could cause recklessness approach toward use of natural resource and the environment of the destinations.

Institutional arrangement is another need in the area of harmonised and well coordinated capacity building programmes for all major stakeholders at all levels.

#### Final proposal

Each party shall promote national capacity building at all level of nature based tourism development process by;

- i. undertake capacity building work with local communities and indigenous people;(7/3, 3 d)
- ii. promote environmental awareness and improve capacity building within local tourism industry;
- iii. develop national strategy on the capacity building on nature based tourism with in its human resource development policy; (CSD7, 7/3. 3 d)
- iv. incorporate environmental management principles into tourism training programmes; (EU Rec. 99.16, c)
- v. establish a training and awareness centre on the nature based tourism;( UNGASS 22, 5)

To achieve;

- i. transparent decision-making and sharing of benefits;
- ii. local awareness of the social, economic and environmental costs and benefits of the activities;
- iii. greater employment of the local labour force particularly women and youth; (Manila Dec. 5)
- iv. improvement of domestic tourism, and stimulate entrepreneurial development and diversify tourism products; (WSSD 41.c)
- v. effective partnership of stakeholders and enhance dialogue amongst them; (E/CN.17/1999/5)

Parties shall cooperate, with relevant international organisations, to enhance capacity building activities and programmes towards sustainable nature based tourism development through; (CSD 5.b)

- i. multilateral and bilateral financial and technical assistance,
- ii. appropriate transfer of environmentally sound technologies in all aspects of sustainable nature based tourism development,
- iii. environmental impact assessment and management
- iv. education and training in the field of nature based tourism; (CSD7, 7/3, 5.b)
- v. provide technical assistance to support sustainable tourism business development and investment; (WSSD 41.c)

Parties shall build greater capacity in science and technologies for nature based tourism and improve research and scientific collaboration among relevant research institutions, universities, scientists, academics, and experts of origins and destinations countries. (WSSD 102)

Parties shall develop financial mechanisms for capacity building to successfully enable tourism professionals, planners, managers, co-ordinators, decision-makers, local and national authorities, NGOs, local communities and indigenous people, private sector particularly small- and medium-sized firms, to participate equitably and benefit from nature based tourism development. (Quebec Declaration, 45)

## **Principle XLIII**

### Constitutional area

#### Principle of National Institution and Administrative Capacity

### Thematic priorities

This principle addresses the need to enhance institutional and regulatory capacity of governments and strengthen administrative capacity building and development of human resources in nature based tourism issues.

### Back ground (inhibiting factors)

Barbados Declaration, 1994, Part I;

To enhance their national capacities and self-reliance, small island developing States, with the assistance and support of the international community, should actively promote human resources development programmes including education, training and skills development. Their institutional and administrative capacity to implement the programme of action must be strengthened at all levels by supportive partnerships and cooperation, including technical assistance, the further development of legislation and mechanisms for information sharing.

Manila Declaration, 1997, Article 8;

Encourage governments to promulgate and enforce legal regimes, both in the domestic and multilateral arenas, in order to eliminate undesirable social consequences of tourism through, among others, agreements that deprive malefactors of any safe haven anywhere;

Council of Europe Recommendation No R (97) 9, 1997, Article 7 b;

Developing research and training for local authorities and decision-makers on management of the ecosystems and natural resources of coastal areas;

UNGASS Declaration on SIDS, 1999, Para 6;

Call for increased efforts to assist small island developing States in obtaining the transfer of environmentally sound technology needed for them, as set forth in the Programme of Action, to achieve sustainable development and implement the Programme of Action;

UNGASS, 22<sup>nd</sup> session, 1999, State of progress and initiatives for the future implementation of the Programme of Action for the Sustainable Development of SIDS, tourism part;

The international community and SIDS should pursue and support (of) **Strengthening of institutional capacity building** in the tourism sector, and promoting environmental protection and the preservation of cultural heritage through local community awareness and participation;

Building of institutional capacity, further **develop human resources at all levels of the tourism industry**, with particular emphasis on small and medium-sized enterprises and improve the **capacity to utilise modern technologies**.

Decision 7/3 of CSD7, 1999, Para 3 (a);

The Commission urges Governments to **advance sustainable tourism** development, inter alia, through the **development and implementation of policies and national strategies or master plans** for sustainable tourism development based on Agenda 21, which will **encourage their tourism industry**, assist in **attracting foreign direct investment** and appropriate **environmentally sound technologies**, and also provide focus and direction for the **active participation of major groups**, including national tourism councils and, as appropriate, tourism agencies and organisations, and the private sector as well as indigenous and local communities;

Malmö Declaration, 2000, Article 11;

The private sector has emerged as a global actor that has a significant impact on environmental trends through its investment and technology decisions. In this regard, Governments have a crucial role in creating an enabling environment. The **institutional and regulatory capacities of Governments** to interact with the private sector **should be enhanced**.

#### Existing proposals

Draft Declaration of Principles of Human Rights and the Environment, 1994, Part IV, Principles 22-23;

All States shall respect and ensure the right to a secure, healthy and ecologically sound environment. Accordingly, they shall adopt the administrative, legislative and other measures necessary to effectively implement the rights in this Declaration.

These measures shall aim at the prevention of environmental harm, at the provision of adequate remedies, and at the sustainable use of natural resources and shall include, *inter alia*,

- collection and dissemination of information concerning the environment

- prior assessment and control, licensing, regulation or prohibition of activities and substances potentially harmful to the environment;
- public participation in environmental decision-making;
- effective administrative and judicial remedies and redress for environmental harm and the threat of such harm;
- monitoring, management and equitable sharing of natural resources;
- measures to reduce wasteful processes of production and patterns of consumption;
- measures aimed at ensuring that trans-national corporations, wherever they operate, carry out their duties of environmental protection, sustainable development and respect for human rights; and
- measures aimed at ensuring that the international organisations and agencies to which they belong observe the rights and duties in this Declaration.

States and all other parties shall avoid using the environment as a means of war or inflicting significant, long-term or widespread harm on the environment, and shall respect international law providing protection for the environment in times of armed conflict and cooperate in its further development.

The SG report E/CN.17/1999/5, 1999, Para 75;

It is necessary to promote capacity building among local government entities.

The co-chairman summary of inter-sessional ad-hoc working group on sustainable consumption and on tourism, 1999, report of CSD7 E/CN.17/1999/20, Paras 23 and 34;

It is necessary to promote capacity building in sustainable tourism, particularly among local governments. In many countries, local governments have important responsibilities for tourism development and management, and capacity building programmes will enable them to better understand these responsibilities with respect to sustainable tourism.

That international organisations and donor countries should increase their efforts in training and capacity building in the field of tourism in developing countries, Technical and financial assistance to developing countries is critical to enable them to develop competitive and sustainable tourism sectors.

The co-chairman summary of inter-sessional ad-hoc working group on sustainable consumption and on tourism, 1999, report of CSD7 E/CN.17/1999/20, Paras 16;

Governments should give appropriate attention and priority to tourism in development planning so that it develops in harmony with overall economic, social and environmental goals, within an

integrated policy framework. In this regard, Governments should develop national strategies or master plans for tourism, in the context of Agenda 21, which will provide focus and direction to all stakeholders.

The SG report E/CN.17/1999/5, 1999, Para 16, 42, 68, and 69;

Appropriate attention and priority should be attached to tourism in development planning in order to integrate and coordinate tourism policies with the policies of other government agencies so that tourism develops in harmony with overall economic, social and environmental goals.

A coordinated policy approach involving Governments, the private sector, non-governmental organisations, trade unions, host communities and international agencies is necessary to guarantee the achievement of social development objectives through tourism development.

High priority should be assigned to the integration of policies for tourism development with environmental protection. Within this integrated policy framework, it will be necessary for regulatory policies and systems of economic incentives and disincentives to be reviewed to ensure that clear environmental goals and objectives are set for the tourism industry.

An important area of action for Governments is to develop national strategies or master plans for tourism that will provide focus and direction to all stakeholders. These strategies and master plans need to be complemented and supported by appropriate regulatory mechanisms and tools to deal with environmental assessment, building regulations and environmental standards for tourism.

UNEP Draft principles, 2000, Para 2.e;

Strengthen institutional frameworks for enforcement of legislation to improve their effectiveness where necessary. Standardise legislation and simplify regulations and regulatory structures to improve clarity and remove inconsistencies. Strengthen regulations for coastal zone management and the creation of protected areas, both marine and land-based, and their enforcement, as appropriate.

UNEP Draft Principles, 2000, Para, 2.b and 2.d;

Adopt or amend legislation implementation of sustainable tourism through an effective legislative framework that establishes standards for land use in tourism development, tourism facilities, management and investment in tourism and ensures that EIAs (environmental impact assessment) and the planning process take account of regional factors, if necessary.

Provide a flexible legal framework for tourism destinations to develop their own set of rules and regulations applicable within their boundaries to suit the specific circumstances of their local

economic, social and environmental situations, while maintaining consistency with overall national and regional objectives and minimum standards. Strengthen institutional frameworks for enforcement of legislation to improve their effectiveness where necessary. Standardise legislation and simplify regulations and regulatory structures to improve clarity and remove inconsistencies.

UNEP Draft Principles, 2000, Para 1.b;

Improve the management and development of tourism by ensuring coordination and cooperation between the different agencies, authorities and organisations concerned at all levels, and that their jurisdictions and responsibilities are clearly defined and complement each other.

Strengthen the coordination of tourism policy, planning development and management at both national and local levels.

Strengthen the role of local authorities in the management and control of tourism, including providing capacity development for this.

Ensure that all stakeholders, including government agencies and local planning authorities, are involved in the development and implementation of tourism.

Maintain a balance with other economic activities and natural resource uses in the area, and take into account all environmental costs and benefits.

UNEP Draft Principles, 2000, Para 1.c;

Adopt integrated management approaches that cover all economic activities in an area, including tourism.

UNEP Draft Principles, 2000, Para 2.a;

Support implementation of sustainable tourism through an effective legislative framework that establishes standards for land use in tourism development, tourism facilities, management and investment in tourism.

Strengthen institutional frameworks for enforcement of legislation to improve their effectiveness where necessary.

Standardise legislation and simplify regulations and regulatory structures to improve clarity and remove inconsistencies.

Strengthen regulations for coastal zone management and the creation of protected areas, both marine and land-based, and their enforcement, as appropriate.

Provide a flexible legal framework for tourism destinations to develop their own set of rules and regulations applicable within their boundaries to suit the specific circumstances of their local economic, social and environmental situations, while maintaining consistency with overall national and regional objectives and minimum standards.

Promote a better understanding between stakeholders of their differentiated roles and their shared responsibility to make tourism sustainable.

UNEP Draft Principles, 2000, Para 4.c;

Ensure effective implementation of sustainable tourism, and these Principles, through capacity building programmes to develop and strengthen human resources and institutional capacities in government at national and local levels, and amongst local communities; and to integrate environmental and human ecological considerations at all levels.

Develop and strengthen their human resources and institutional capacities to facilitate the effective implementation of these Principles.

Transfer know-how and provide training in areas related to sustainability in tourism, such as planning, legal framework, standards setting, administration and regulatory control, and the application of impact assessment and management techniques and procedures to tourism.

Facilitate the transfer and assimilation of new environmentally-sound, socially acceptable and appropriate technology and know-how.

Encourage contributions to capacity building from the local, national, regional and international levels by countries, international organisations, the private sector and tourism industry, and NGOs.

Encourage assistance from those involved in tourism in countries which have not yet been able to implement sustainability mechanisms in training at the local and national level in the sustainable development of tourism in cooperation with the Governments concerned.

Quebec Declaration, 2002, Recommendation 6, 10, 39 42, 44;

Develop the local and municipal capacity to implement growth management tools such as zoning, and participatory land-use planning not only in protected areas but in buffer zones and other ecotourism development zones;

Include micro, small and medium-sized ecotourism companies, as well as community-based and NGO-based ecotourism operations in the overall promotional strategies and programmes carried out by the National Tourism Administration, both in the international and domestic markets;

Build capacity for regional, national and local organisations for the formulation and application of ecotourism policies and plans, based on international guidelines;

(International Organisation should) Strengthen efforts in identifying the factors that determine the success or failure of ecotourism ventures throughout the world, in order to transfer such experiences and best practices to other nations, by means of publications, field missions, training seminars and technical assistance projects;

Develop the internal human resource capacity to support sustainable tourism and ecotourism as a development sub-sector in itself and to ensure that internal expertise, research, and documentation are in place to oversee the use of ecotourism as a sustainable development tool;

#### Limitations

Many national governments face with the limited capacity within their administrations to address needs of tourism sector at national level. As an example, a necessary requirement for the pursuit of sustainable tourism development is an effective legislative framework. Despite progress in the enactment of environmental legislation in many countries, its effectiveness continues to be impaired by weaknesses in the institutional frameworks for enforcing legislation, lack of standardisation of legislation and the obscurity of regulations. Many destination countries also face the persistent problem of inadequate supply of trained manpower, particularly in government agencies responsible for the implementation and monitoring of standards and environmental regulations in tourism. The shortage of skilled human resources is compounded by the dispersion in some states of responsibilities among several government agencies. Governments also need to enhance administrative capacities to be able to interact with tourism industry, while the quality of human resources within the administration create better opportunities for local communities and reflect on the management and implementation of nature based tourism development by local authorities. More expertise at national level allows local communities to participate and have greater control over tourism development in their localities.

#### Final proposal

Each party shall improve its regulatory capacity and adopt an affective legislative framework to pursuit sustainable nature based tourism development. (E/CN.17/1999/6/Add.11, Para5)

Parties shall improve institutional and administrative capacity (building) among national authorities to fulfil their responsibilities on the development and management of nature based tourism and to ensure effective implementation of sustainable nature based tourism; (E/CN.17/1999/20)

Parties shall enhance institutional and administrative capacity building on;

- i. management of the ecosystems and natural resources of nature based tourism areas; (EU Rec. 97.9)
- ii. implementing nature based tourism policies and strategies; (Barbados POA, Part II)
- iii. attracting (absorbing) foreign direct investment and environmentally sound technologies;(7/3, 3.a)
- iv. activating major group involvement and participation; (CSD7, 7/3, 3.a)
- v. ability of interaction with tourism industry; (Malmo Dec. Art. 11)
- vi. promoting environmental protection and the preservation of cultural heritage; (UNGASS 22<sup>nd</sup> )
- vii. formulation and application of nature based tourism action plans, based on international guidelines;
- viii. promoting capacity building among local government authorities; (E/CN.17/1999/5, Para 75)
- ix. addressing local community issues and strengthening the role of local authorities in the management and control of tourism; (UNEP Draft, Para 1.b)
- x. methods to promote a better understanding between stakeholders of their differentiated roles; (UNEP Draft 2.a)
- xi. integration of environmental and human ecological considerations; (UNEP Draft 2.a)

Each party shall strengthen its institutional framework, standardise legislation, and simplify regulations to;

- i. improve management and development of nature based tourism; (UNEP Draft 1.b)
- ii. strengthen the coordination between and enhance the involvement of all stakeholder, particularly concerned governmental authorities; (UNEP Draft 1.b)
- iii. maintain a balance between nature based tourism and other economic activities and natural resource uses in the destination; (UNEP Draft 1.b)
- iv. establishes standards for land use in tourism development, tourism facilities, management and investment in nature based tourism; (UNEP Draft 2.a)
- v. Transfer know-how related to planning, legal framework, standards setting, administration and regulatory control, and the application of impact assessment and management techniques and procedures to nature based tourism; (UNEP Draft 4.c)

## Principle XLIV

Constitutional area;

### Principle of International Cooperation

Thematic priorities

This principle addresses the need of international cooperation to implement existing international regulations and to promote multilateral cooperation and coordination in the field of nature based tourism.

Back ground (inhibiting factors)

World Charter of Nature, 1982, Principle 21a, b, c;

States and, to the extent they are able, other public authorities, international organisations, individuals, groups and corporations shall:

- (a) Cooperate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultations;
- (b) Establish standards for products and manufacturing processes that may have adverse effects on nature, as well as agreed methodologies for assessing these effects;
- (c) Implement the applicable international legal provisions for the conservation of nature and the protection of the environment;

CBD, 1992, Article 18;

The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

Barbados Declaration, 1994, Part II, Para III;

The **international community should cooperate** with SIDSs in the implementation of the Programme of Action for the Sustainable Development of SIDS by providing effective means, including **adequate, predictable new and additional financial resources** in accordance with chapter 33 of Agenda 21; facilitating the **transfer of environmentally sound technology**,

including on concessional and preferential terms as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries; **and promoting fair, equitable and non-discriminatory trading arrangements** and a supportive international economic system.

The international community has a responsibility to facilitate the efforts of SIDSs to **minimise the stress on their fragile ecosystems**, including through cooperative action and partnership.

To achieve sustainable development and a **higher quality of life for all people**, including people of SIDSs, all States should reduce and **eliminate unsustainable patterns of production and consumption**, and should promote appropriate **demographic policies**.

The international community should **build new and equitable partnerships** for the sustainable development of SIDSs through the implementation of the POA and should send a powerful message to the world's peoples on the possibilities of joint action undertaken with a sense of common purpose and partnership.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 2 and 3;

National authorities, acting through international organisations, should propose that these organisations:

- a. adopt an integrated planning approach to future development of the tourism industry, emphasising the need to protect the social, natural and cultural environments;
- b. promote international awards for sustainable tourism respecting the environment;
- c. publish international guides of good tourism practice *vis-à-vis* the environment, including databases of relevant documents and successful projects;
- d. support training and awareness-building programmes on tourism and the environment;
- e. support pilot projects for sustainable tourism and disseminate information about them.

National authorities, acting through international financial bodies should propose that these bodies:

- a. request **environmental impact statements** for all projects they finance and run **impact assessment studies (EIA)** themselves where appropriate;
- b. ensure that all relevant procedures have been complied with;
- c. ascertain the environmental viability of the project on the same footing as economic and financial viability of the project;
- d. make suitable supervision arrangements to check that the project is properly run;
- e. encourage the use of the most appropriate technology so as to minimise the impact on the environment.

Decision 4/16 of the CSD4, 1996, Para 27;

The Commission calls upon the international community to provide appropriate assistance for the improvement and development of basic physical infrastructures in SIDS, such as airports and harbours, roads, telecommunications systems and freshwater systems.

19<sup>th</sup> UNGASS, Resolution 1997, A/S.19-2, 1997, Tourism part;

Tourism is now one of the world's largest industries and one of its fastest growing economic sectors. In this regard, the efforts of developing countries **to broaden the traditional concept of tourism** to include cultural and eco-tourism **merit special consideration** as well as the **assistance** of the international community, including the international financial institutions.

The sustainable development of tourism is of importance for all countries, in particular for Small Island developing States. **International cooperation is needed to facilitate tourism development** in developing countries, including the **development and marketing of eco-tourism**, bearing in mind the importance of the conservation policies required to secure long-term benefits from development in this sector

Council of Europe Recommendation No R (97) 9, 1997, Article 8;

Developing cooperation between municipalities, regions and countries in order to:

- avoid the negative effects of competition on the environment
- develop financial instruments to share, in a fairer way, the costs of tourism and the income from tourism between the different municipalities of a given tourist region
- devise common action plans for countries with adjacent coastal areas, in order to harmonise objectives regarding the development of coastal areas, coordinate work and prevent one country from taking insufficient conservation measures so as to obtain advantages.
- optimise the value of the heritage of coastal areas, while at the same time underpinning the need to protect that heritage.

Decision 7/3 of CSD7, 1999, Para 3(e)

The Commission urges Governments to create the appropriate institutional, legal, economic, social and environmental framework by developing and applying **a mix of instruments**, as appropriate, such as integrated land-use planning and coastal zone management, economic instruments, social

and environmental impact assessment for tourist facilities, including gender aspects, and voluntary initiatives and agreements.

Decision 7/3 of CSD7, 1999, Para 5(b), and 5(h);

The Commission invites (international community) to support national efforts by countries, especially developing countries and countries with economies in transition, and major groups towards sustainable tourism development through relevant capacity building activities and programmes as well as multilateral and bilateral financial and technical assistance, and appropriate technologies in all aspects of sustainable tourism development, including environmental impact assessment and management and education in the field of tourism;

The Commission invites (international community) to further develop or support integrated initiatives, preferably through pilot projects, to enhance the diffusion of innovations and to avoid, wherever possible, duplication and waste of resources;

Global Code of ethics, WTO, 1999, Article 10.2;

The stakeholders in tourism development should recognise the role of international institutions, among which the World Tourism Organisation ranks first, and non-governmental organisations with competence in the field of tourism promotion and development, the protection of human rights, the environment or health, with due respect for the general principles of international law;

#### Existing proposals

The report of SG on "Progress in the implementation of the Programme of Action for sustainable development of SIDS" (E/CN.17/1996/20) in February 1996, Part II, recommendation on enhancement of sustainable tourism Para 22-23;

(a) Provide international assistance for the development of basic physical infrastructures such as airports and harbours, roads, telecommunications systems and freshwater systems to SIDS, especially the least developed among them;

(b) Provide assistance to regional tourism organisations in order to increase their effectiveness.

(23) **Formulate, ratify and enforce a universal or at least a regional code of conduct for the tourism sector at the intergovernmental level.**

The SG report, E/CN.17/1999/5, 1999, Para 80 and 81;

The international community has already taken important steps through the development of international, regional and multilateral agreements and guidelines that address the issue of

sustainable tourism. However, these now need to be effectively translated into practical programmes for implementation by the tourism industry, Governments and civil society

The international community also has an important role in assisting developing countries, in particular the least developed countries, economies in transition and small island developing States, through the provision of financial and technical assistance to governments at all levels, to develop a range of meaningful and effective planning guidelines, codes of good practice, regulatory frameworks and policy provisions aimed at achieving sustainable tourism.

The summary report of the chairman of inter-sessional ad hoc working group on sustainable consumption and on tourism, CSD7 report E/CN.17/1999/20, Para 35;

The international, regional and multilateral agreements and guidelines that address the issue of sustainable tourism need to be effectively translated into practical programmes for implementation by the tourism industry, Governments and civil society.

The SG report E/CN.17/1999/5, 1999, Para 49, and 50;

International cooperation to advance social development objectives in the tourism sector should be built on the foundations established at the World Summit for Social Development and countries' commitments expressed in the Copenhagen Declaration on Social Development. The international efforts to encourage the observance of these standards should go hand in hand with appropriate technical and financial assistance to countries at lower levels of development that are striving to benefit more fully from rapidly growing tourism.

Inter-sessional ad-hoc working group on sustainable consumption and on tourism of CSD7, 1999, co-chairman summary E/CN.17/1999/20, Para 33, 34 and 36;

The need for the international community to promote the recognition of the value of tourism as an economic tool for development, particularly for developing countries, and the fragility of the resources on which it depends, as well as the resulting need for international support to encourage its sustainable development.

International organisations and donor countries should increase their efforts in training and capacity building in the field of tourism in developing countries, and those studies should be carried out on specific issues of interest to developing countries. Technical and financial assistance to developing countries is critical to enable them to develop competitive and sustainable tourism sectors.

The international community has an important role to assist developing countries, in particular the least developed countries, economies in transition and SIDS, through financial and technical assistance to Governments at all levels.

CSD7 multi-stakeholders, 1999, chairman summary, E/CN.17/1999/20, Para 22, and 32;

Promoting broad-based sustainable development through tourism while safeguarding the integrity of local cultures and protecting the environment requires an effective partnership between key stakeholders at the local, national, regional and international levels and participation at all levels of tourism planning, development and assessment. The need to develop employer-employee partnerships (including trade unions) with multi-stakeholder support and funding was endorsed.

The Commission on Sustainable Development should invite and seek funding from international agencies such as the World Bank and regional development banks for pilot projects in both the North and the South aimed at illustrating best practices of integrated planning.

CSD7 inter-sessional ad-hoc working group, chairman summary E/CN.17/1999/20, 1999, Para 38;

**The regional cooperation** is an important policy approach for promoting the development of sustainable tourism.

The SG report E/CN.17/1999/5, 1999, Para 83;

**Regional cooperation** is an important modality for promoting the development of sustainable tourism and should be supported because it opens up opportunities for regional collaboration in such areas as tourism development planning, market development and promotion, strengthening and expansion of the roles of national and regional tourism institutions and organs and training and manpower development.

UNEP Draft Principles, 2000, Para 2.e;

Adopt overall regional frameworks within which States may wish to jointly set their own targets, incentive and environmental policies, standards and regulations, to maximise benefits from tourism and avoid environmental deterioration from tourism activities.

Ensure that tourism and the environment are mutually supportive at a regional level through cooperation and co-ordination between States, to establish common approaches to incentives, environmental policies, and integrated tourism development planning.

Draft international covenant on environment and development, IUCN, 2000, Article 15.3;

Parties shall develop joint contingency plans for responding to emergencies, in cooperation, where appropriate, with other States and competent international organisations.

Quebec Declaration, 2002, Recommendation 11, 38;

Encourage and support the creation of regional networks and cooperation for promotion and marketing of ecotourism products at the international and national levels;

**(International Organisation should)** Develop and assist in the implementation of national and local policy and planning guidelines and evaluation **frameworks for ecotourism and its relationships with biodiversity conservation, socio-economic development, respect of human rights, poverty alleviation, nature conservation and other objectives of sustainable development**, and to intensify the transfer of such know-how to all countries. Special attention should be paid to countries in a developing stage or least developed status, to SIDS and to countries with mountain areas, considering that 2002 is also designated as the International Year of Mountains by the UN;

#### Limitations

The general obligation to cooperate has been translated into the implementation of the treaty's objectives (CBD Art. 5), or to specific commitments under a treaty (Climate Change Convention, Art. 4(1) e), or more specific commitments through techniques designed to assure information sharing and participation in decision-making. In nature based tourism the international cooperation should also encourage joining the existing environmental treaties, harmonising parties' activities, facilitating them with appropriate means, and promoting regional cooperation.

#### Final proposal

Parties shall endeavour to become and remain party to treaties relating to the nature based tourism and shall implement them. (Draft international covenant on environment and development, IUCN, 2000, Article 56)

The provisions of this Covenant shall not prejudice any stricter obligation which Parties have entered into or may enter into under existing or future treaties. (Draft international covenant on environment and development, IUCN, 2000, Article 57)

Relevant international organisations should provide parties to the Covenant with appropriate assistance to develop basic physical infrastructures, effective planning guidelines, codes of good practice, regulatory frameworks and policy provisions, facilitating transfer of environmentally

sound technology, and training and capacity building in the field of nature based tourism. (UNEP Draft 2 e, E/CN.17/1996/20)

Relevant international organisations should develop and support initiatives, with coordination of this Covenant, to enhance diffusion of innovations and avoid duplication and waste of resources. (CSD7, 7/3, 5 h)

Parties shall encourage the development of regional cooperation for the promotion of nature based tourism activities including marketing of products at all levels (IUCN Rec. 11)

Parties shall promote international cooperation and partnership on the sustainable use of nature based tourism areas by;

- i. developing financial instruments to share;
- ii. facilitating transfer of environmentally sound technology;
- iii. promoting fair, equitable, and non-discriminatory trading arrangements and avoid the negative effects of competition on the environment;
- iv. eliminating unsustainable patterns of production and consumptions;(Barbados POA Part II)
- v. facilitating the development of nature based tourism areas, including the (joint) marketing of nature based tourism; (19<sup>th</sup> UNGASS)
- vi. devise common action plans for countries with shared nature based tourism areas;
- vii. optimise the value of the heritage of nature based tourism areas; (EC Rec. 97.7)
- viii. develop regional and international mechanism to promote capacity building activities and programmes; (CSD7, 7/3, Para 5 b)
- ix. establishing common approaches to incentives, environmental policies, and integrated tourism development planning (UNEP Draft 2 e)

Conference of the parties, with cooperation of relevant international organisations, should support the implementation of the content of Covenant and regularly evaluate its relationships with biodiversity conservation, socio-economic development, respect of human rights, poverty alleviation, nature conservation and other objectives of sustainable development, and take appropriate measure towards sustainable use of nature based tourism areas worldwide. (IUCN 38)

## Principle XLV

### Constitutional area

#### Principle of Financial Resources

### Thematic priorities

This principle suggests appropriate international financial mechanism to address and support financial constraints of nature based tourism developments.

### Back ground (inhibiting factors)

World Charter for Nature, 1982, Principle 17;

Funds, programmes and administrative structures necessary to achieve the objective of the conservation of nature shall be provided.

Montreal protocol, 1987, Article 5 (5);

Developing the capacity to fulfil the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E and Article 2I, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 bis of this Article, and their implementation by those same Parties will depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A.

UNFCCC, 1992, Article 4(3);

The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

Convention on Biological Diversity, 1992, Article 20;

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.
2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.
3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.
4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.
5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.
6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.

7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi- arid zones, coastal and mountainous areas.

Council of Europe Recommendation No R (94) 7, 1994, Part II, 1-a;

National authorities, acting through international financial bodies should propose that these bodies:

- a. request **environmental impact statements** for all projects they finance and run **impact assessment studies (EIA)** themselves where appropriate;
- b. ensure that all relevant procedures have been complied with;
- c. ascertain the environmental viability of the project on the same footing as economic and financial viability of the project;
- d. make suitable supervision arrangements to check that the project is properly run;
- e. encourage the use of the most appropriate technology so as to minimise the impact on the environment.

Global Code of Ethics, WTO, 1999, Article 4.3 and 8.5;

Financial resources derived from visits to cultural sites and monuments should, at least in part, be used for the upkeep, safeguard, development and embellishment of this heritage;

So far as the economic situation of the countries from which they come permits, travellers should have access to allowances of convertible currencies needed for their travels;

Malmö declaration, 2000, Article 2;

There is an alarming discrepancy between commitments and action. Goals and targets agreed by the international community in relation to sustainable development, such as the adoption of national sustainable development strategies and **increased support to developing countries**, must be implemented in a timely fashion. The **mobilisation of domestic and international resources, including development assistance**, far beyond current levels is **vital to the success** of this endeavour.

#### Existing proposals

The co-chairman summary of inter-sessional ad-hoc working group on sustainable consumption and on tourism, 1999, report of CSD7 E/CN.17/1999/20, Para 17;

Countries should consider the various options available for financing tourism infrastructure projects, such as government outlays, financing by multilateral and regional financial institutions,

involvement of the private sector through build-operate-transfer schemes, and foreign direct investment (FDI). In addition, there are also various options for private sector financing for, inter alia, training, education, management and marketing.

Quebec Declaration, 2002, Preamble;

Reiterate that funding for the conservation and management of biodiverse and culturally rich protected areas has been documented to be inadequate worldwide,

Quebec Declaration, 2002, Recommendation 31, 45;

(Private sector should) Create and develop funding mechanisms for the operation of business associations or cooperatives that can assist with ecotourism training, marketing, product development, research and financing;

(International Organisation should) Develop financial mechanisms for training and capacity building that takes into account the time and resources required to successfully enable local communities and indigenous peoples to participate equitably in ecotourism development.

Draft Covenant on International Environment and Development, IUCN, 2000, Art. 45 Para 1 and 2;

Parties undertake to provide, in accordance with their capabilities, financial support and incentives for those national activities aimed at achieving the objectives of this Covenant.

Parties shall pursue innovative ways of generating new public and private financial resources for sustainable development, including the use of economic instruments, regulatory fees and taxes, and reallocation of resources at present committed to military purposes.

Draft Covenant on International Environment and Development, IUCN, 2000, Art. 45 Paras 1, 2, 3, and 4;

1. Parties shall co-operate in establishing, maintaining, and strengthening ways and means of providing new and additional financial resources, particularly to developing countries for:

- (a) Environmentally sound development programmes and projects,
- (b) measures directed towards solving major environmental problems of global concern, and for the implementation measures of this Covenant where it would entail special or abnormal burdens, owing, in particular, to the lack of sufficient financial resources, expertise or technical capacity; and
- (c) making available, under favourable conditions, the transfer of environmentally sound technologies.

2. Parties, taking into account their respective capabilities and specific national and regional developmental priorities, objectives and circumstances, shall endeavour to augment their aid programmes to reach the United Nations General Assembly target of 0.7% of Gross National Product for Official Development Assistance or such other agreed figure as may be established.

3. Parties shall consider ways and means of providing relief to debtor developing countries, including by way of cancellations, rescheduling or conversion of debts to investments, provided that such relief is limited to enable the debtor developing countries to further their sustainable development.

4. Parties providing financial resources shall conduct an environmental impact assessment, in cooperation with the recipient State, for the activities to be carried out with the resources provided.

Draft international covenant on environment and development, IUCN, 2000, Article 45, and 46;

Parties undertake to provide, in accordance with their capabilities, financial support and incentives for those national activities aimed at achieving the objectives of this Covenant.

Parties shall pursue innovative ways of generating new public and private financial resources for sustainable development, including the use of economic instruments, regulatory fees and taxes, and reallocation of resources at present committed to military purposes.

Parties shall cooperate in establishing, maintaining, and strengthening ways and means of providing new and additional financial resources, particularly to developing countries for:

(a) Environmentally sound development programmes and projects;

(b) Measures directed towards solving major environmental problems of global concern, and for the implementation measures of this Covenant where they would entail special or abnormal burdens, owing, in particular, to the lack of sufficient financial resources, expertise or technical capacity; and

(c) Making available, under favourable conditions, the transfer of environmentally sound technologies.

Parties, taking into account their respective capabilities and specific national and regional developmental priorities, objectives and circumstances, shall endeavour to augment their aid programmes to reach the United Nations General Assembly target of 0.7% of Gross National

Product for Official Development Assistance or such other agreed figure as may be established.

Parties shall consider ways and means of providing relief to debtor developing countries, including by way of cancellations, rescheduling or conversion of debts to investments, provided

that such relief is limited to enable the debtor developing countries to further their sustainable development.

A Party that provides financial resources to a State for activities that may result in a significant adverse impact on the environment shall, in cooperation with the recipient State, ensure that an environmental impact is conducted. The resources provided shall include those necessary for the recipient State to carry out such assessment.

#### Limitations

Financial constraint could effect the proper implementation of international environmental agreements. Developed countries did not reach the level of ODA suggested in Rio Summit which makes even more difficult compliance of developing countries of such agreements. In tourism area, the involvement of tourism industry as a rich sector could contribute to the implementation of the Covenant, if properly addressed.

#### Final proposal

Parties undertake to provide, in accordance with their capabilities, financial support and incentives for those national activities aimed at achieving the objectives of this Covenant. (IUCN 45)

In addition to regular Official Development Assistance (ODA), Parties shall pursue innovative ways of generating new public and private financial resources for nature based tourism development, including the use of economic instruments and regulatory fees and taxes. (IUCN, 45, CBD, 20)

The origin countries shall provide new and additional financial resources to enable destination countries to fulfil the obligation of this Covenant.

International financial bodies should take into account the following for providing any financial facilities; (EC Rec. 94.7)

- conducting environmental impact statements for all financed projects
- complied with all relevant procedures;
- ascertain the environmental, economic and financial viability of the project;
- make appropriate supervision arrangements to evaluate proper running of project;
- encourage the use of environmentally sound technology.

Each party with close consultation of tourism industry shall create appropriate funding mechanism for voluntary contribution of tourism industry on the conservation, protection and maintenance of

nature based tourism areas and assistance to capacity building, marketing, product development, research and financing. (Quebec Dec. 31)



## Principle XLVI

### Constitutional area;

#### Principle of Compliance measures

### Thematic priorities

This principle addresses the need to have appropriate measures to implement and enforce the content of the Covenant.

### Back ground (inhibiting factors)

Malmö declaration, 2000, Article 3;

The evolving framework of international environmental law and the development of national law provide a sound basis for addressing the major environmental threats of the day. It must be underpinned by a more coherent and coordinated approach among international environmental instruments. We must **also recognise the central importance of environmental compliance, enforcement and liability**, and promote the observation of the precautionary approach as contained in the Rio Principles, and other important policy tools, as well as capacity building.

### Existing proposals

UNEP Draft Declaration, 2000, Para 3.d;

Ensure compliance with development plans, planning conditions, standards and targets for sustainable tourism by providing incentives, monitoring compliance, and enforcement activities where necessary.

Provide sufficient resources for maintaining compliance, including increasing the number of trained staff able to undertake enforcement activities as part of their duties.

Monitor environmental conditions and compliance with legislation, regulations, and consent conditions

Use compliance mechanisms and structured monitoring to help detect problems at an early stage, enabling action to be taken to prevent the possibility of more serious damage.

Take into account compliance and reporting requirements set out in relevant international agreements.

Use incentives to encourage good practice, where appropriate.

Draft international covenant on environment and development, IUCN, 2000, Article 61;

In the framework of environmental treaties to which they are party or by other means, Parties shall maintain or promote the establishment of procedures and institutional mechanisms, including enquiry and fact-finding, to assist and encourage States to comply fully with their obligations and to avoid environmental disputes. Such procedures and mechanisms should improve and strengthen reporting requirements, and be simple, transparent, and non-confrontational.

#### Limitations

Compliance measures are not considered as a powerful tool to oblige parties to implement the content of the most environmental instruments and agreements. In recent years some of them such as Basel Convention came up with new proposals and agreements. Although these initiatives are useful, they are not comparable with the compliance measures set out in other international agreements such as disarmaments. Many states prefer to ignore compliance principles, or limit it as much as possible, while negotiate on new international environmental instrument. Some developing countries and recently particular developed countries prefer to have more concrete obligations on compliance measures in developmental agreements instead of environmental ones.

#### Final proposal

Each State Party is responsible under international law for the breach of its obligations under this Covenant or of other rules of international law concerning the environment. (Draft international covenant on environment and development, IUCN, 2000, Article 47)

Parties shall establish appropriate procedures and institutional mechanism, including strengthening reporting requirements, enquiry procedures, voluntary and periodical visits and fact-finding missions, and other appropriate measures to be implemented in a simple, transparent, and non-confrontational manner. (IUCN, 61)

## Principle XLVII

### Constitutional area

#### Principle of dispute resolution

### Thematic priorities

The purpose of this principle is providing an appropriate mechanism to resolve disagreements, disputes, and conflicts amongst contracting parties.

### Back ground (inhibiting factors)

CBD, 1992, Article 27;

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.
2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organisation may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:
  - (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;
  - (b) Submission of the dispute to the International Court of Justice.
4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.
5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

Global Code of Ethics, WTO, 1999, Article 10.3;

The same stakeholders should demonstrate their intention to refer any disputes concerning the application or interpretation of the Global Code of Ethics for Tourism for conciliation to an impartial third body known as the World Committee on Tourism Ethics.

#### Existing proposals

UNEP Draft Principles, 2000, Para 1.d;

Identify and resolve potential or actual conflicts between tourism and other activities over resource use at an early stage. Involve all relevant stakeholders in the development of sound management plans, and provide the organisation, facilities and enforcement capacity required for effective implementation of those management plans.

Enable different stakeholders in the tourism industry and local communities, organisations and institutions to work alongside each other

Focus on ways in which different interests can complement each other within a balanced programme for sustainable development.

Draft international covenant on environment and development, IUCN, 2000, Article 62;

Parties shall settle disputes concerning the interpretation or application of this Covenant by peaceful means, such as by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or by any other peaceful means of their own choice.

If parties to a dispute do not reach agreement on a solution or on a dispute settlement arrangement within one year following the notification by one party to another that a dispute exists, the dispute shall, at the request of one of the parties, be submitted to either an arbitral tribunal, including the Permanent Court of Arbitration, or to judicial settlement, including by the International Court of Justice and the International Tribunal for the Law of the Sea as appropriate.

#### Limitations

The lengthy and time consuming procedures in international agreements could be considered as a constraint on effectively implementation of the content of such agreements. In addition, national disputes on the use of natural resources amongst rival departments or industries at local and national level is another important issue for tourism industry.

### Final proposal

Each party shall agree to refer and resolve internal dispute on nature based tourism and other activities within nature based tourism areas and their buffer zones and adjacent areas to the Nation Multi-stakeholders Body. (UNEP 1.d)

In the event of a dispute between Contracting Parties concerning the interpretation or application of this Covenant, the parties concerned shall seek solution by peaceful means such as negotiation, enquiry, mediation, conciliation, and arbitration. For a dispute not resolved in accordance with mentioned procedures, Parties should refer the dispute to the International Multi-stakeholders Body of the Covenant to seek advice. (IUCN 62 and CBD 27)

## Appendix III

## Appendix III

### Chronology of International Initiatives on Sustainable Tourism

Since the 1980s there have been a variety of international activities aimed at the development of sustainable forms of tourism. The following are summary of major international events and agreements in this field in recent two decades<sup>10</sup>.

- **Kathmandu Declaration:**

In 1982, the International Union of Alpine Associations (IUAA) adopted the Kathmandu Declaration on Mountain Activities at its 44<sup>th</sup> General Assembly to respond to the increasing threats to mountain fragile ecosystems and the environment. Identifying the urgent need to effective protection of the mountain environment and landscape, the Declaration called for actions to reduce the negative impact of human activities on mountains and immediate attention for the flora, fauna and natural resources. In addition, it established the cultural heritage and the dignity of the local population as inviolable. It further called for better education and awareness regarding the environment and identified the use of appropriate technology for energy needs and the proper disposal of waste as matters of immediate concern.

The following are the Articles of the Declaration as reflected in the final document of the meeting; "There is urgent need for effective protection of the mountain environment and landscape. The flora, fauna and natural resources of all kinds need immediate attention care and concern. Actions designed to reduce the negative impact of man's activities on mountains should be encouraged. The cultural heritage and the dignity of the local population are inviolable. All activities designed to restore and rehabilitate the mountain world need to be encouraged. Contacts between mountaineers of different regions and countries should be increasingly encouraged in the spirit of friendship, mutual respect, and peace. Information and education for improving the relationship between man and his environment should be available for wider and sections of society. The use of appropriate technology for energy needs and proper disposal of waste in the mountain areas are matters of immediate concern. The need for more international support, governmental as well as non-governmental, to the developing mountain countries for instance, in matters of ecological conservation."<sup>11</sup>

- **Tourism Bill of Rights and Tourist Codes:**

In 1985, the "Tourism Bill of Rights and Tourist Codes", adopted at the sixth session of the General Assembly of the World Tourism Organisation, in Sofia, Bulgaria offers a general framework regarding tourism and tourist conduct. The Tourism Bill of Rights established the right of everyone to rest and leisure, the role of states to promote harmonious development of domestic and international tourism as well as the role of tourism professionals in contributing

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<sup>10</sup> More information on UNEP/CBD/COP/4/Inf.21

<sup>11</sup> Source and more information [http://ijm-ronast.org.np/dec\\_kath1.htm](http://ijm-ronast.org.np/dec_kath1.htm)

positively to the development of tourism and the implementation of the Bill. The Tourist Code, for its part, spelled out the code of conduct for tourists<sup>12</sup>.

- **The Protocol of Environmental Protection to the Antarctic Treaty (PEPAT), Madrid 1991**

The Protocol of Environmental Protection of 1991 supplements the Antarctic Treaty of 1959. It forms a comprehensive environmental protection regime for Antarctica and added a new pillar to the existing Antarctic Treaty system. It is an outstanding example of international cooperation in the field of environmental protection. The Madrid Protocol was response to suggestions that the wide range of provisions relating to the protection of the Antarctic environment should be harmonised in a comprehensive and legally binding form. It draws on and updates the Agreed Measures as well as subsequent Treaty meeting recommendations relating to the protection of the environment.

The 15<sup>th</sup> Antarctic Treaty Consultative Meeting held in Paris in 1989 issued a mandate to a Special Consultative Meeting (1990/1 in Vina del Mar and Madrid) to elaborate a comprehensive environmental protection regime for Antarctica. Within a year the 26 Antarctic Treaty Consultative Parties reached agreement on a Protocol of Environmental Protection with four Annexes on environmental impact assessment, the conservation of Antarctic fauna and flora, prevention of marine pollution, and waste disposal and waste management. It was signed in Madrid on 4 October 1994. A fifth Annex on area protection and management was adopted at the 16<sup>th</sup> Consultative Meeting in Bonn in 1991.

Of key importance in this process was the agreement reached on the contentious issue of mineral resource mining in Antarctica, which had been controversial since the demise of the Antarctic Minerals Convention (CRAMRA) of 1988. The Protocol contains a ban on mineral resource activities (Art.7 in conjunction with Art.25). It also allows for the possibility of review after 50 years.

In addition to the ban on mineral resource activities, the Protocol contains further provisions of decisive importance to the future environmental protection regime in Antarctica. The environmental principles contained in Article 3 for the first time provide rules for all human activities on the 6<sup>th</sup> continent which take into account the outstanding ecological significance of this region for the global climate and the environmental interests of humanity as a whole. Strong emphasis is placed on international cooperation (Art.6), the implementation of timely and comprehensive environmental impact assessments for proposed activities (Art.8), the adoption of domestic enforcement measures (Art.13), international inspections (Art.14), rules on contingency plans for dealing with damage, as well as on liability for environmental damage in Antarctica (Art.15 and 16). As the Protocol itself does not contain any material liability rules, the Consultative Parties have been negotiating a supplementary annex on liability since 1993. Therefore the most important mechanisms provided by the PEPAT are designating Antarctica as a

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<sup>12</sup> UNEP IE Technical report No.29, Environmental codes of conduct for tourism Appendix, 1996

'natural reserve, devoted to peace and science', establishing environmental principles for the conduct of all activities, prohibiting mining, subjecting all activities to prior assessment of their environmental impacts, providing for the establishment of a Committee for Environmental Protection, advising the Antarctic Treaty Committee Meeting, requiring the development of contingency plans to respond to environmental emergencies, and providing for the elaboration of rules relating to liability for environmental damage.

New in the Antarctic Treaty system is the establishment of a Committee for Environmental Protection (Art.11), composed of scientists and experts from the Consultative Parties. It met for the first time at the 22<sup>nd</sup> Consultative Meeting in 1998 and serves as the advisory body for the implementation and observance of the Protocol (Art.12).

The accompanying Annexes to the Protocol are;

- Annex I; Environmental impact assessment: activities are assessed on whether they have a minor or transitory impact on the environment. At the highest level of impact a Comprehensive Environment Evaluation must be prepared and opportunity provided for the Committee for Environmental Protection and other Consultative Parties to comment on the proposal.

- Annex II; Conservation of Antarctic fauna and flora: Annex II updates the existing rules relating to protection of animals and plants, (requiring a permit for interference with them), and relating to the introduction of non-indigenous organisms.

- Annex III; Waste disposal and waste management: this Annex specifies wastes that may be disposed of within Antarctica and wastes that must be removed. It also provides rules relating to the disposal of human waste and the use of incinerators. The Annex requires the development of waste management plans. Particularly harmful products such as PCBs, polystyrene packaging beads and pesticides are prohibited in the Antarctic.

- Annex IV; Prevention of marine pollution: the discharge of substances from ships, including oily mixtures and garbage is regulated, as is the disposal of ship-generated sewage. The Annex adopts practices broadly consistent with those applying in the relevant annexes of MARPOL. Disposal at sea of any plastics is prohibited.

- Annex V; Management of protected areas: Annex V establishes a revised protected area system that integrates the previous categories of protected areas into Antarctic Specially Protected Areas, (entry to which requires a permit), and Antarctic Specially Managed Areas. Management plans apply to both categories. The protected area system also provides for the designation of historic sites and monuments, which must not be damaged or removed.

The Protocol provides that protection of the Antarctic environment, dependent and associated ecosystems, and the intrinsic value of Antarctica must be fundamental considerations in the planning and conduct of all human activities in Antarctica. With this aim, all such activities are to be planned and conducted so as to limit adverse impacts on the Antarctic environment; to accord priority to preserving the value of Antarctica for scientific research, and to avoid;

- Adverse effects on climate or weather patterns;

- Significant adverse effects on air or water quality;
- Significant changes in the atmospheric, terrestrial, (including aquatic), glacial or marine environments;
- Detrimental changes in the distribution, abundance or productivity of species or populations of species of fauna and flora;
- Further jeopardy to endangered or threatened species; or
- Degradation of, or substantial risk to, areas of biological, scientific, historic, aesthetic or wilderness significance;

The Madrid Protocol entered into force on 14 January 1998 following the deposit of instruments of ratification, acceptance, approval or accession by the 26 consultative party states. During the intervening period each Party had particular domestic requirements to meet before the instruments could be deposited.

The Madrid Protocol prohibits mining. The ban is of indefinite duration and strict rules for modifying the ban are provided. In brief, the prohibition can be modified at any time if all parties agree. If requested, after 50 years a review conference may decide to modify the mining prohibition, provided that at least 3/4 of the current Consultative Parties agree, a legal regime for controlling mining is in force, and the sovereign interests of parties are safeguarded. Consistent with the Antarctic Treaty, a party may choose to withdraw from the Protocol if a modification so agreed does not subsequently enter into force.

PEPAT is remarkable for being the first treaty with in the Antarctic system to be exclusively devoted to the protection of the Antarctic environment. The mere fact that PEPAT prohibits any activity relating to mineral resources, other than scientific research, is in open contradiction to the agreement made by the same states negotiated by CRAMRA just two years before. PEPAT produces a shift from an interest in the actual or potential exploitation of economic resources to concerns for the protection of the Antarctic environment. Under PEPAT exploitation of economic resources has to be compatible with the sound environmental approach which requires, according to the so called "precautionary principle", that activities which are likely to cause irreversible damage to the environment shall be avoided. For many years the limiting and coordination approach, based on the Antarctic Treaty and its core body, ATCPs, managed environmental problems in Antarctica. However, in the case of mineral activities as well as new and emerging issues, such as greenhouse gases and global warming indicated that the limiting and coordinating approach might be inadequate to cope with the risks of unpredictable and irreversible consequences on the global environment. PEPAT can be considered an important instrument for the prevention of global environmental risks. The prohibition of carrying out any activity aimed at the commercial exploitation of the Antarctic mineral resources and, more generally, the duty to plan and conduct human activity so as to avoid adverse affects on climate or weather patterns, on atmospheric or marine environments and on the distribution, abundance or productivity of species or populations of species of fauna and flora (Art.3) are the prominent examples of a "forecast and

prevent'' approach. This is correctly based on the wide utilisation of environmental impact assessment procedures and it is complemented by the prohibition of activities which are likely to cause irreversible damage to the global environment. It is also important to note that PEPAT explicitly recognised the unique opportunities that Antarctica offers for scientific monitoring and research on processes of global importance, according priority to scientific research over any other human activity (Art.3.3).

PEPAT is mostly relevant for regulating all human activity in Antarctica (except fishing and seal hunting) by a single environmental instrument adopted in the form of an additional protocol to the Antarctic treaty. The achievement of the principle objective of PEPAT are mostly based on the commitment of the parties to protect the Antarctic environment and its dependent and associated ecosystems by means of three principles: the designation of Antarctica as a natural reserve devoted to peace and science, the prohibition of any activity related to mineral resources other than scientific research and prior assessment of the impact of all planned human activities in Antarctica upon the Antarctic environment and its dependent and associated ecosystems. The innovations introduced by PEPAT in the approach of the Antarctic Treaty system to the environmental problem can also be seen as a concrete application of the most recent trends of international environmental law.

PEPAT is the first international agreement adopting the ''comprehensive protection approach'' with respect to an area beyond the limits of national jurisdiction.

In many respects PEPAT merged the proposals that have emerged within the context of the most qualified international fora in order to promote a more constructive environmental cooperation also on the technical procedural level. Problems relating to non-compliance or lack of effectiveness are tackled by PEPAT at several levels (Art.12, 17, 14)<sup>13</sup>.

- **Guidelines on national park and protected areas for tourism development:**

In 1992, guidelines on the development of national parks and protected areas for tourism were jointly published by WTO, UNEP and IUCN in order to encourage more appropriate tourism development in national parks and protected areas. The guidelines address:

- 1) Ways and means of involving local people living in and around protected areas;
- 2) Determining the appropriate level of tourism in national parks,
- 3) Improving the management of the natural values of the area,
- 4) Designing appropriate tourism infrastructure in national parks,
- 5) Promoting greater appreciation by visitors of the values of national parks,
- 6) Determining how tourism activity in national parks can serve as a self-financing mechanism for the park and as a tool for conservation.

- **Workshop on natural heritage centre:**

In the same year (1992) UNEP, with the UNESCO World Heritage Centre organised an International Workshop on the management of tourism in natural world heritage sites. The

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<sup>13</sup> World Treaties for the Protection of the Environment, T. Scovazzi & Laura Pineschi, 1992, pages 250-252

Workshop's recommendations have been widely circulated and the two organisations were jointly working on a manual for managers of natural world heritage sites.

- **Lanzarote World Conference on Sustainable Tourism**<sup>14</sup>

In 1995, the World Conference on Sustainable Tourism, held at Lanzarote Spain, adopted the Charter for Sustainable Tourism listing 18 points that are essential for sustainable tourism. It established that tourism development would need to be conducted in the framework of sustainable development, addressing the natural, cultural and human environments. It called for special priority in the matter of technical cooperation and financial aid to be given to environmentally and culturally vulnerable spaces.

The conclusion of two day conference, on 27-28<sup>th</sup> April 1995, is reflected in the Chapter for Sustainable Tourism. A summary of this Chapter is shown below;

1. The participants recognised that tourism affords the opportunity to know other cultures, and can help promote closer ties and peace among peoples, creating a conscience that is respectful of the diversity of culture and life styles, and that is an important element of socio-economic and political development in many countries. It also recognised the need to develop tourism that meets economic expectations and environmental requirements as well as the priority of protecting and reinforcing the human dignity of both local communities and tourists.
2. Taking into account that tourism on one side touches the highest and deepest aspirations of all people, and on the other side is based on fragile resources.
3. Recalled previous declarations on tourism, such as the Manila Declaration on World Tourism, the Hague Declaration and the Tourism Bill of Rights and Tourist Code, and the various United Nations declarations and regional conventions on tourism and the environment.
4. Guided by the principles set forth in the Rio Declaration as well as the Universal Declaration of Human Rights.
5. Suggested establishing effective alliances among major stakeholders and urging them to adopt the principles and objectives of the Declaration as follows:
  - Tourism development shall be based on criteria of sustainability (ecologically bearable, economically viable, ethically and socially equitable). Tourism can and should participate actively in the sustainable development strategy. A requirement of sound management of tourism is that the sustainability of the resources on which it depends must be guaranteed.
  - Tourism should integrate with the natural, cultural and human environment; it must respect the fragile balances of destinations and should ensure an acceptable evolution as regards its influence on natural resources, biodiversity and the capacity for assimilation of any impacts and residues produced.

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<sup>14</sup> sources <http://www.insula.org> and WTO web site

- Tourism must consider its effects on the cultural heritage and traditional elements, activities and dynamics of each local community. The culture and interests of the local community must at all times play a central role in the formulation of tourism strategies.

- Tourism contribution to sustainable development needs solidarity, mutual respect and participation of all the actors, both public and private, which must be based on efficient cooperation mechanisms at all levels.

- The conservation, protection and appreciation of natural and cultural heritage implies that all major players must take upon themselves a true challenge, that of cultural, technological and professional innovation, and must also undertake a major effort to create and implement integrated planning and management instruments.

- Quality criteria both for the preservation of the tourist destination and for the capacity to satisfy tourists should represent priority objectives in the formulation of tourism strategies and projects.

- To participate in sustainable development, tourism must be based on the diversity of opportunities offered by the local economy. It should be fully integrated into and contribute positively to local economic development.

- All options for tourism development must serve effectively to improve the quality of life of all people and must influence the socio-cultural enrichment of each destination.

- Governments, NGOs and local communities, shall undertake actions aimed at integrating the planning of tourism as a contribution to sustainable development.

- Creation of a more equitable distribution of the benefits and burdens of tourism through changing consumption patterns and prioritizing and strengthening direct and indirect aid to tourism projects, by governments and international organisations, which contribute to improving the quality of the environment. It is necessary to explore thoroughly the application of internationally harmonised economic, legal and fiscal instruments to ensure the sustainable use of resources in tourism.

- Environmentally and culturally vulnerable spaces as well as degraded zones shall be given special priority in the matter of technical cooperation and financial aid for sustainable tourism development.

- The promotion of alternative forms of tourism together with the encouragement of diversification represents a guarantee of stability in the medium and the long term. Regional cooperation is a need for Small Island Developing States (SIDS) in this respect.

- Governments, industry, authorities, and tourism-related NGOs should promote and participate in the creation of open networks for research, dissemination of information and transfer of appropriate knowledge on tourism and environmentally sustainable tourism technologies.

- The establishment of a sustainable tourism policy necessarily requires the support and promotion of environmentally compatible tourism management systems, feasibility studies for

the transformation of the sector, as well as the implementation of demonstration projects and the development of international cooperation programmes.

- The travel industry and NGOs shall draw up specific frameworks for positive and preventive actions to secure sustainable tourism development and establish programmes to support the implementation of such practices. They shall monitor achievements, report on results and exchange their experiences.

- Particular attention should be paid to the role and the environmental repercussions of transport in tourism, and to the development of economic instruments designed to reduce the use of non-renewable energy and to encourage recycling and minimisation of residues in resorts.

- The adoption and implementation of codes of conduct conducive to sustainability by the principal actors involved in tourism, particularly industry, are fundamental if tourism is to be sustainable. Such codes can be effective instruments for the development of responsible tourism activities.

- **Agenda 21 for Travel and Tourism**

In 1995 the World Tourism Organisation, the World Travel and Tourism Council(WTTC) and the Earth Council completed an 18-month review of the implications of the Rio Earth Summit for Travel and Tourism and adopted a joint declaration entitled "Agenda 21 for the Travel and Tourism Industry: Towards Environmentally Sustainable Development". On the basis of Agenda 21 the declaration is an action programme for the tourist industry and includes the following principles:

- tourism should help people to live a healthy and productive life in harmony with nature;
- tourism should contribute to the conservation, the protection and rehabilitation of ecosystems;
- the protection of the environment should be an integral component of tourism development;
- tourism should be planned at the local level and should allow for the participation of the citizens;
- tourism should recognise and support the identity, culture and interests of indigenous peoples;
- international agreements to protect the environment should be respected by the tourist industry.

Agenda 21 for the Travel & Tourism Industry, was developed at WTTC's Environment Research Centre (WTTERC) and sponsored by Inter-Continental Hotels and Resorts. It examines twelve general areas of activity from the Rio Declaration on Environment and Development and translates them into guiding principles for Travel & Tourism. It suggests priority action programmes for governments and industry with defined goals, improvement paths, and best practice case study support.

The central message is that achieving sustainability will depend on: the right mix of private initiative, economic instruments, and regulation translating global principles into focused, new local action public-private sector delivery mechanisms. The Agenda 21 for the Travel & Tourism Industry was the subject of a think tank conference in February 1997 in London and again in

Indonesia in November 1997. It identifies the development of a sustainable tourism programme as the overall aim for both the public and private sectors.

Nine priority areas for action by government departments, national tourism administrations and trade organisations are given as;

- assessing the capacity of existing regulatory, economic, and voluntary structures to achieve sustainable tourism;
- assessing the economic, social, cultural, and environmental implications of the organisation's operations;
- training, education, and public awareness;
- planning for sustainable tourism development;
- facilitating exchange of information, skills, and technology relating to sustainable tourism between developed and developing countries;
- providing for the participation of all sectors of society;
- design of new tourism products with sustainability at their core endeavours,
- measuring progress in achieving sustainable development; and
- partnerships for sustainable development.

For companies, the main aim is to establish systems and procedures to incorporate sustainable development issues as a part of the core management function and to identify actions needed to bring sustainable tourism into being.

Ten priority areas for action by travel and tourism companies are: waste minimisation, reuse and recycling, energy efficiency, conservation and management, management of fresh water resources, waste water management, hazardous substances, transport, land-use planning and management, involving staff, customers and communities in environmental issues, design for sustainability, and partnerships for sustainable development.

- **East African region workshop**

The "Workshop on the Sustainable Development of Tourism in the East African Region", convened on the Seychelles from 20 to 22 October 1996, and adopted recommendations on sustainable tourism in the East African region, spelling out measures both at the regional and international level.

- **Berlin declaration**<sup>15</sup>

On 6-8 March 1997, the International Conference of Environment Ministers on Biodiversity and Tourism, held in Berlin, Germany, adopted the Berlin Declaration on Biological Diversity and Sustainable Tourism. The Declaration largely concentrates on five areas:

- Sustainable tourism is a sensible use of biological diversity. In order for sustainable tourism to contribute to the conservation and sustainable use of biological diversity, environmentally sound forms of tourism are to be promoted,
- The development of tourism needs to be controlled in order to ensure sustainability,

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<sup>15</sup> <http://www.bfn.de/>

- Particular attention needs to be paid to tourism in vulnerable areas, including protected areas, coastal and mountain areas, and regions, in which nature is particularly diverse,
- Not only countries, but all stakeholders are responsible for sustainable development, particularly the private sector, whose voluntary initiatives are encouraged,
- Local communities are not only responsible for the sustainable development of tourism, but they can also gain particular benefits from tourism.

In the preamble of the Declaration, the participants assuming that tourism is an important source of economic wealth and a worldwide phenomenon (where a healthy environment and beautiful landscapes constitute the basis for its long-term development) observed that tourism increasingly turns to areas where nature is in a relatively undisturbed state. They showed concern for the potential degrading of the natural environment, social structures and cultural heritage as well as possible demand for wild animals, plants or their products for souvenirs. They therefore recognised the need to value and protect nature and biological diversity and species, genetic and eco-system diversity to ensure the maintenance of essential life support systems. Then has in mind that vulnerable areas deserve special measures of protection, convinced that sustainable forms of tourism, which inter alia generate income for local communities, have the potential to contribute to conservation. Achieving such forms of tourism is the responsibility of all stakeholders involved. The participants also determined to work with all who are involved in the elaboration of international guidelines or rules to;

- harmonise the interests of nature conservation and tourism,
- lead towards sustainable development of tourism,
- contribute to the implementation of the CBD and the objectives of Agenda 21.

They agreed on the, general and specific, principles. The summary of General Principles is as follows:

- Tourism activities should be environmentally, economically, socially and culturally sustainable and guided by the objectives, principles and commitments laid down in CBD.
- Promoting tourism that contributes to the conservation of nature, biological diversity and benefits local communities.
- The integrity and carrying capacity of ecosystems and habitats should always be respected. Preference should be given to the modernization and renovation of existing tourism facilities.
- Measures to prevent and minimise tourism damages and monitoring and assessments of existing and new activities based on precautionary principles.
- Promote to the fullest extent, tourism activities that use environmentally sound technologies.
- All stakeholders should cooperate, as their common responsibility, to achieve a common understanding on the requirements of sustainable tourism. Policies, legislation, environmental economic instruments and incentives should be developed and the private sector should be encouraged to develop and apply guidelines and codes of conduct for sustainable tourism.

- Concepts and criteria of sustainable tourism should be developed and incorporated in education and training programmes for tourism professionals.

The summary of specific principles is laid out below:

- Governments and all other stakeholders should undertake to agree on criteria to measure and assess the impacts of tourism on nature and biological diversity. In this regard, technical and scientific cooperation should be established through the clearinghouse mechanism of CBD.

- Tourism activities should be subject to prior environmental impact assessment.

- Tourism activities should be planned at the appropriate levels with a view to integrate socio-economic, cultural and environmental considerations at all levels as an integrated process.

- Tourism should be based on environmentally friendly road and air transport specifically in ecologically sensitive areas.

- Recreational hunting and fishing and other outdoors activities, particularly in ecologically sensitive areas should comply with the existing regulations on conservation and sustainable use of species.

- Special care should be taken concerning the sale of living animals and plants and their products for souvenirs in conformity with national legislation and international agreements.

- Economic instruments and incentives including awarding of prizes, certificates and eco-labels for sustainable tourism should be used. The abolition of economic incentives encouraging environmentally unfriendly activities should be strived for.

- Tourism policies and legislation should be introduced to ensure the flow of benefits to local communities, strengthen the local economy, employ the local workforce and use local materials. All efforts should be made to respect traditional lifestyles and cultures.

- Tourism should be restricted in ecologically and culturally sensitive areas and all forms of mass tourism should be avoided in those areas taking into account carrying capacity.

- Tourism in protected areas should be based on the achievements of the objectives of the protected area regimes. In highly vulnerable areas, nature reserves and all other protected areas requiring strict protection, tourism activities should be limited to a bearable minimum.

- The principles of integrated coastal area management should be observed in coastal areas especially vulnerable zones.

- Tourism in sensitive mountain regions should be managed and regulated so that the biological diversity of these areas can be preserved.

- In all areas where nature is particularly diverse, such as forest areas, grasslands, fresh water eco-systems, areas of spectacular beauty, arctic and Antarctic eco-systems, all efforts should be made to meet the requirements of nature protection and biological diversity conservation.

The Ministers gathered in Berlin for the International Conference on Biodiversity and Tourism in their final declaration recommended that should, in consultation with stakeholders, the next COP/CBD draw up guidelines or rules for sustainable tourism development on a global level on the basis of the "Berlin Declaration" in order to contribute to the implementation of the CBD's

objectives. They should also agree to submit the "Berlin Declaration" to all Parties and Signatory States with the objective of bringing about a discussion at the COP4 in Bratislava,

They called upon the Special Session of the General Assembly of the United Nations to support this initiative under the Biodiversity Convention and recommended to the UN General Assembly Special Session to include the subject of sustainable tourism in the future work programme, of CSD in order to draw increased attention to the objectives of Agenda 21 in this important area of action. They called on the bilateral and multilateral funding organisations to take into account the principles and guidelines of the "Berlin Declaration" when supporting projects relating to tourism.

- **Male Declaration**<sup>16</sup>

The "Male Declaration on Sustainable Tourism Development" adopted on 16 February 1997 in the Maldives, identifies the fundamental requirements of sustainable tourism. These include the promotion of ethics in tourism, the reduction of the consumption of resources and the reduction of waste, the conservation of natural, social and cultural diversity, the integration of tourism planning, the promotion of the local economy and the participation of the local population, the development of responsible tourism marketing, the need to assess the impacts of tourism on the natural and cultural heritage, and the special role of the private sector.

The participants of the Asia-Pacific Ministers Conference on Tourism and the Environment agreed on principles which are summarised below;

- Pledge continuing support for the vision and goals of a sustainable future by: fostering awareness of environmental ethics in tourism among communities and consumers; conservation and sustainable use of resources; reducing consumption and waste; integrated tourism planning for sustainability; support for local economies; local community involvement; consulting tourism stakeholders and the public; human resources development; responsible tourism marketing; ongoing inquiry into sustainability issues; development of measurements on tourism impacts on environment, culture and heritage; and private sector involvement;
- Improve the quality and professionalism of human resources;
- Emphasise the urgency of sustainability, to the health of both the tourism industry and the world economy;
- Make operational policies and practices that promote sustainability by inter alia research and technological advance;
- Provide community training and technical support to enable them to become fully aware of, and involved with, the processes of tourism planning and developing;
- Strengthen and promote cooperation among governments and tourism-related businesses, private sectors and non governmental organisations.

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<sup>16</sup> Source and more information in <http://www.eco-tour.org>

- **Manila Declaration**<sup>17</sup>

The Manila Declaration on the Social Impact of Tourism of 22 May 1997 spells out 10 principles of sustainable tourism, including: the greater involvement of communities in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects; the improvement of people's standard of living through tourism; the preservation of the legacy, heritage and integrity of tourist destinations worldwide; the development of appropriate marketing tools for the destination countries; the sensitisation of visitors to the culture and behavioral expectations of host communities; and the recognition of the role of human resources development in tourism.

The participants' commitments reflected in the Manila Declaration are as follows;

- Support greater involvement of communities in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects within the context of national objectives and priorities, and for this purpose introduce community awareness campaigns to inform people of the benefits to be gained from tourism development;
- Improve people's standard of living through tourism by providing economic and social opportunities for wider participation and, wherever possible and acceptable, dispersal of tourism activities and destinations to outlying areas to increase rural incomes;
- Ensure that tourism development planning preserves the legacy, heritage and integrity of tourism destinations worldwide and respects the social and cultural norms of society, particularly among the indigenous communities and to this end, control the rate of growth of the tourism sector where it may jeopardise local communities and social values;
- Cooperate with and encourage the business community engaged in tourism and the travel trade to create the right image and develop appropriate marketing tools for the destination countries, and to undertake education, information and communication services to sensitise visitors to the culture and behavioural expectations of host communities;
- Recognise the role of human resources development in tourism and establish long-term programmes that support greater employment of the local labour force in tourism and provide appropriate measures as well as opportunities for a greater and more positive participation of women and youth;
- Enhance and strengthen international coordination and monitoring systems through liaison and networking among governments, private sector and concerned parties with a view to promoting the positive aspects and eradicating the negative impacts of tourism;
- Further mobilise local and international support to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups;

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<sup>17</sup> Sources and more information in <http://www.eco-tour.org> and WTO web page

- Encourage governments to promulgate and enforce legal regimes, both in the domestic and multilateral arenas, in order to eliminate undesirable social consequences of tourism through, among others, agreements that deprive malefactors of any safe haven anywhere;

- Take into account the importance of tourism in the context of Agenda 21, as tourism is a major source of development. However, like other sectors, it uses resources and generates wastes and in the process creates not only social and cultural but also environmental costs and benefits. The effects of this on biodiversity and fragile eco-systems like coral reefs, archaeological sites, mountains, coastal areas and wetlands constitute a particular concern.

- Work towards the formulation and eventual adoption of a Global Code of Ethics for Tourism.

- **Heidelberg Workshop on Biodiversity and Sustainable Tourism- 1998**

On 26-27<sup>th</sup> March 1998, an international workshop was held in Heidelberg, Germany with the participation of WTO/OMT, CBD, IUCN, GTZ and others to discuss and revise the proposed draft on "Biological Diversity and Sustainable Tourism - Preparation of Global Guidelines". The main outcome of the Heidelberg workshop was submitted to the secretariat of CBD by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety to be considered as an information paper on biological diversity and sustainable tourism for the agenda of COP4 in Bratislava in May 1998.

The paper contains a proposal for a decision to be taken by CBD/COP4 to develop "Global Guidelines on Biological Diversity and Sustainable Tourism". The proposal covered;

- 1) The development of guidelines,
- 2) The establishment of an ad-hoc body for the preparation of these guidelines,
- 3) The invitation to relevant international organisations to assist the procedures and,
- 4) The request to the Executive Secretary of the CBD to take the necessary steps to this effect.

The main points of the draft proposal considered;

- The increasing economic significance of tourism, this can make an essential contribution to sustainable development in many countries,

- The importance of biological diversity as a basic prerequisite for tourism, particularly nature-oriented tourism,

- The need to protect natural areas in such a way that they can be preserved and remain attractive to tourists in the long term.

- The possible threats that the insufficiently managed development of tourism may pose for biological diversity and to indigenous and local communities embodying traditional lifestyle relevant for the conservation and sustainable use of biological diversity,

- The potential of tourism for the conservation of biological diversity and the sustainable use of its components,

- The need to promote, through global guidelines, a harmonious balance of the requirements of biological diversity and of tourism,

- The fact that the Convention on Biological Diversity constitutes the appropriate framework to elaborate global guidelines on biological diversity and sustainable tourism,

- The workshop suggested the following principles be considered by an ad-hoc body for drafting global guidelines on biodiversity and sustainable tourism;

1. Decide to develop global guidelines on biological diversity and sustainable tourism, i.e. tourism that is economically, ecologically, socially and culturally sustainable;
2. Decide to establish an ad-hoc body for the preparation of global guidelines on biological diversity and sustainable tourism, and to provide it with the mandate to develop such rules;
3. Decide to invite relevant international organisations, in particular the World Tourism Organisation, to support and assist with the procedures;
4. Decide to request the Executive Secretary of the Convention on Biological Diversity to take the necessary steps to convene the ad-hoc body to prepare global guidelines according to the Terms of Reference contained in the paper.

As the workshop suggested, the draft guidelines were to be formulated by an ad-hoc body after COP4 decided to establish such a body<sup>18</sup>.

#### - **Caribbean Workshop**

The workshop on Marine Biodiversity in the Caribbean, held in Jamaica in October 1998, explored the relationship between tourism and marine biodiversity. A working group devoted to this issue concluded that the pressures on marine biological diversity from tourism require a series of measures, depending on the issue in question:

- From a scientific, technological and research viewpoint, there is a need to improve the basic scientific information on which to base policy decisions, and communication should be improved and maintained between researchers and resource users, including tourism;
- There is a need for indicators able to assess the carrying capacity of the system;
- Tourism is not integrated enough in national planning, and stakeholder participation is limited; The opposite situation would encourage integration of conservation of marine biological diversity into the tourism industry long-term planning;
- Education and public awareness is a major issue, along with the need for appropriate legislative measures;
- An important aspect is the use of market forces and economic instruments to stimulate environmentally responsible behaviour.

#### - **International Conference on “Sustainable Tourism in SIDS and Other Islands”**

In October 1998, the International Conference on “Sustainable Tourism in SIDS and Other Islands” was held in Lanzarote, Canary Islands in Spain. It was jointly organised by UNEP and WTO. The Conference addressed the challenges of sustainable tourism in small islands and proposed recommendations include:

- (a) Integration of tourism in the overall plan for sustainable development;

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<sup>18</sup> UNEP/CBD/COP/4/Inf.21 of the 2<sup>nd</sup> April 1998

- (b) Stakeholder involvement;
- (c) Involvement of local communities;
- (d) Adoption of alternative technologies;
- (e) Promotion of codes of conduct and ecolabels tailor –made SIDS;
- (f) Establishment of environmental standards and regulations.

The conference report contains a summary of main conclusions and recommendations as its part one, and key issues for sustainable tourism in SIDS and other islands, and areas of action at the national, regional and international levels as part two. Part three of the report includes conclusions and recommendations of the three working groups and the list of reports and case studies presented at the conference.

The summary of main conclusions and recommendations contains three sections.

In section I, recommendations at the national level, are discussed: integrating sustainable tourism in the overall sustainable development of the island, considering the challenges and opportunities for tourism development in mid and long term scenarios, change in mentality of all stakeholders in tourism development and management by awareness campaigns and educational programmes. The rest of the main points on Sustainable development policy and planning, Tourism development and management as well as Monitoring of impacts are as follows;

- The local communities' involvement in and benefiting from tourism.
- Considering rehabilitation of tourism facilities and services.
- Development and adoption of alternative designs of tourism facilities, such as renewable energy, according to the characteristics of each island and with a view to ensuring a sustainable use of natural resources.
- Development and adoption of eco-efficiency and cleaner production strategies and policies.
- Introducing environmentally sound technologies.
- Adaptation of voluntary codes of conduct, industry standards and ecolabels as well as promotion of best practices.
- Identify and develop sets of indicators for sustainable tourism contributing towards measuring sustainability.
- Develop observatories of sustainable tourism development.

Section II of the summary proposed recommendations at a regional level, such as;

- Regional harmonising of environmental regulations and standards.
- Considering voluntary industry codes, standards and ecolabels at the regional level.
- Developing exchange of experience and dissemination of good practices between SIDS from the same region.
- Launching awareness campaigns and capacity building at the regional level.
- SIDS could consider joining forces for facilitating the funding of sustainable tourism projects and activities.

Section III of the summary recommendation at the international level, is as follows;

- International organisations, and in particular UNEP and WTO should encourage SIDS to ratify international and regional conventions and to fulfil their commitments.

- They should assist with the development and implementation of, the transfer of technology and know-how in the tourism sector, voluntary approaches such as codes of conduct and ecolabels; indicators and observatories; develop exchange of experiences at the international level and improve of dissemination existing pilot projects and good practices.

- They should develop or participate in raising awareness campaigns and capacity building activities for sustainable tourism.

As a direct follow-up, the conference proposed that the UNEP and WTO should jointly prepare and disseminate case studies of sustainable tourism in SIDS, based among others on the examples presented in the working groups at the Lanzarote conference and consider jointly convening regular meetings at the international and/ or regional levels, to discuss the various issues and possible solutions relating to sustainable tourism in SIDS<sup>19</sup>.

- **UNEP draft principle for the implementation of sustainable tourism**

Following the mandate given by the Governing Council in February 1999, UNEP started a multi-stakeholder consultation process on these principles. The summary of the UNEP principles may be found in the Vol. II, UNEP section.

- **Netherlands Initiative**

In 1999 an initiative was started in the Netherlands to develop an integrative approach for biodiversity-friendly tourism, focusing on tourists from the Netherlands with a destination abroad. It takes into account the whole chain of activities, such as information from travel agencies, decisions by the public to book trips, effects of travelling, possible reductions of negative impacts of accommodation at the destination, and activities undertaken by tourists abroad. The initiative involves all relevant stakeholders from the public and private sectors, following an interactive approach.

- **Global Code of Ethics for Tourism**

The WTO Global Code of Ethics for Tourism was approved unanimously by the WTO General Assembly meeting in Santiago in October 1999. It received support from the United Nations General Assembly at its 56<sup>th</sup> session<sup>20</sup>. More detail on this important international code on sustainable tourism is available in Vol. II WTO part, Codes and Guidelines section.

- **Capri Regional conference of WTO/UNEP for Mediterranean Islands May 2000**

The seminar on Sustainable Tourism and Competitiveness in the Islands of the Mediterranean was held as a regional follow up to the Global Conference on Sustainable Tourism in SIDS and other Islands, held in Capri, Italy, in 2000.

The Seminar concluded, among other key issues, that opting for a sustainable approach to tourism in Mediterranean islands entails institutional leadership, coordination with the private sector,

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<sup>19</sup> [http://www.unepie.org/pc/tourism/documents/lanzarote\\_e.pdf](http://www.unepie.org/pc/tourism/documents/lanzarote_e.pdf)

<sup>20</sup> A/RES/56/212, November 2001

social involvement and skilled technical backing. To enhance competitiveness among islands in the region it is essential to focus the tourism strategy on the assets, peculiarities and capacities of each island and integrate a diversified supply of tourism attractions and services.

- **WTO/UNEP International Conference on Sustainable Tourism in the Islands of the Asia-Pacific Region, Hainan Declaration(2000)**

The Hainan Conference was convened from December 6 to 8, 2000, in Sanya-China, and was organised by WTO, UNEP with the support of UNESCO.

The conference, like that held in Capri, Italy, for Mediterranean Islands in May 2000, was intended as a regional follow up to the WTO/UNEP Conference on Sustainable Tourism in Small Island Developing States and Other Islands, held in 1998.

The aim of the Conference was to examine the various aspects to be considered by governments and the private sector if they wish tourism to contribute to the overall economic, social and environmental sustainability of their territories. This means developing a tourism infrastructure and a tourism industry that are sustainable in the long term, maximising the social and economic benefits and reducing the negative impacts on the environment.

Three specific subjects were discussed during the Conference, considered to be the fundamental building blocks of the tourism industry for small islands and states in Asia and the Pacific. These were:

- a) The application of regulatory and voluntary frameworks for the sustainable development and management of tourism - policies, laws, regulations, eco-labels, certification schemes, environmental management systems, codes of conduct.
- b) Environmentally sound building design and operational technologies - management of water and energy resources, treatment of solid and liquid waste, combining traditional construction materials and techniques with modern technologies, land use planning and landscaping of tourism facilities.
- c) The socio-cultural issues of island tourism, considering the role of local communities – the involvement of local communities in the decision-making process, community based tourism, human resources development, the preservation of local culture and identity.

A summary of the main points reflected in the “Hainan Declaration” are as follows;

- There is a vital need to integrate planning for tourism with national development and resource management plans.
- Sustainable tourism in the Asia-Pacific islands requires effective partnerships of all stakeholders as well as institutional leadership by governments, inter alia, establishment of regulatory and policy frameworks, ensuring their enforcement, the application of appropriate economic instruments and monitoring environmental quality.
- The private tourism industry has a critical role in the development, promotion and adoption of environmentally appropriate technologies, management practices, planning and land use (including site selection), marketing (including eco-labelling) and the education of tourists.

- Landholders, protected area managers and environmental NGOs maintain the environmental integrity of the natural resource and natural attractions.

- Local communities maintain cultural identity and social fabrics, and provide local cultural opportunities for tourists and local economic opportunities for residents therefore their participation is essential in the expansion and maintenance of a successful tourism industry

- Tourism in sensitive areas should occur only in compliance with a management plan which recognises the conservation of heritage values as the primary land management goal. Zoning within these areas can indicate where tourism may be permitted and physical development located and where it may not be located.

- Responsible energy and water use is fundamental to sustainable tourism through sustainable technology and management alternatives that developing countries in the Asia Pacific Region need more access to it, for example by web based networks and exchange mechanisms.

- A global programme of 'greening' tourism accommodation and facilities needs to be expanded.

- Improving access to, and the quality of, basic education in destination areas should therefore be a priority. Likewise, extensive investment in professional training and capacity building at the local level is essential to ensure equitable distribution of its benefit to local populations

- A comprehensive and multidisciplinary scientific research programme as well as evaluation and review in all aspects of tourism, supported by well-established and globally linked institutions, is part of any sustainable tourism development plan.

- Sustainability indicators are useful tools. They are helpful in linking monitoring programmes with the evaluation process and, when linked to targets, they provide criteria by which to judge progress.

- The conference endorses the proposed UNEP "Principles for Implementation of Sustainable Tourism", the WTO Global Code of Ethics for Tourism and the Dakar Principles for Tourism in World Heritage Areas.

The underlying message of the conference therefore is that a viable, diverse and competitive tourism industry cannot be developed, and certainly not sustained, without giving full attention to the above three subject areas. Improving the quality of life and developing an economically viable and sustainable nature, heritage and community-based tourism industry are, in fact, mutually dependent upon, and supportive of, protecting the Region's resources.

## Appendix IV

## Appendix IV

### Preparatory process of CSD7 and analytical summary of SG Reports

CSD7 at its session in February 1999 opened the discussion on sustainable tourism as its cross-sectoral issue. CSD has before it the report of SG and its three addendums. The report was prepared by the Department of Economic and Social Affairs of the United Nations Secretariat in accordance with arrangements agreed to by the Inter-agency Committee on Sustainable Development (IACSD). It is based on contributions from the ILO, UNEP, and WTO/OMT and the comments provided by members of IACSD. It reports the challenges faced by the tourism industry, governments, and the international community to achieve sustainable tourism development.

According to SG report, the major challenges for the tourism industry includes: the crucial role of the tourism industry on tourism development in destinations through its investment, production, employment and marketing decisions and the need to taking fully into account their economic decision on the actions for the long-term development and economic sustainability of the destinations in which they operate. Human resources development and training of local workers is another area that tourism industry can play role. The utilisation of a network of domestic suppliers by foreign tourism businesses is suggested to enhance the development and productivity of local suppliers and increase the retention of foreign exchange and thereby raise the contribution of tourism to income growth. Local tourism sector incompetence with international tourism enterprises require development of new products such as niches markets to operate on more cost effective basis and offer more personalised services based on clients' needs, likes and travelling preferences. Such market strategy requires proper planning, market research, and keeps abreast of advances in informatics. The industry also should take into account the core labour standards and welfare of workers at all levels by both voluntary initiatives or in the form of compliance governmental legislations. Job sustainability and security imply more dialogue among industry and employees to lead employees to play a greater role in the formulation and implementation of company policies. Child labour is intolerable and tourism industry could confront with it by development of codes of conduct among themselves in order to prevent child labour and promote compliance with national legislation as well as providing adequate and full employment of breadwinners. Guests and hosts awareness as well as the activities of international organisations on the potential dangerous of sex tourism and child labours is recommended. The private sector needs to invite and nurture host community participation in the tourism development process. Without host community acceptance of the type and scale of tourism, antagonism towards tourists and tourism can threaten overall development and sustainability objectives. The tourism industry can play an important role in raising awareness among tourists about the serious issues of child labour, the commercial sexual exploitation of women, cultural sensitivity of hosts by improving codes of conduct that provide guidelines for tourism enterprises and host communities or other measures such as in-flight videos.

The industry should integrate environmental management systems and procedures into all aspects of its activity in order to reorient their management at all levels towards sustainable development. This fundamental reorientation of management philosophy and practice will necessitate the implementation of environmental and social audits, life cycle assessments and training of staff in the principles and practices of sustainable tourism management. Tourism enterprises should take all appropriate measures to minimise all forms of waste, conserve energy and freshwater resources and control harmful emissions to the environment and plan and manage their operations to minimise the potential environmental impacts from tourism development, such as using local materials and technologies appropriate to local conditions. The industry can use marketing as a tool for promoting sustainable tourism development by raising awareness and responsible behaviour. Eco-labels should be used as a means of promoting industry's facilities and destinations. The effectiveness of existing codes of conduct and voluntary initiatives depends on the industry act to ensure that such instruments are adopted and implemented by all tourism enterprises. Furthermore, these industry initiatives need to be monitored, assessed and reported to reflect their progress in attaining the objectives of sustainable development in general and of environmental protection in particular.

The report also elaborates some challenges faced governments to implement sustainable tourism. According to report to advance sustainable tourism development governments need to encourage the domestic tourism industry and attract foreign direct investment and relevant technologies based on integrated and coordinated tourism policies in harmony with other government sectors and overall economic, social and environmental goals. Major groups should involve in planning process. It is also important, in this regard, that Governments undertake capacity building to promote partnerships and enhance dialogue with all major groups in society. Facilitation on immigration regulations as well as market liberalisation and the promotion of consumer (tourist) interests, such as safety and facilitation of travel and the easing of foreign currency regulations, and foreign direct investment should be key areas of attention for Governments. Foreign direct investment can be attracted and maintained by a stable policy environment and necessary reform of fiscal treatment of tourism sector as well as application of effective competition policy and prohibiting anti-competitive clauses such as exclusive dealing, import requirements in franchising contracts and the abuse of dominance in air travel. Governments have to ensure that they cater the needs of all industries in the area including tourism, as well as to the local community as a whole when they undertake the development of major infrastructures, such as road networks or water supply systems and consider various options for financing tourism infrastructural projects including government outlays, financing by multilateral and regional financial institutions, involvement of the private sector through build-operate-transfer schemes and foreign direct investment. Policies should be implemented to promote the access of small and medium size enterprises to finance and to strengthen the provision of industrial support services and improve their access to markets, sources of information, training and credit as well as provide tax

incentives and implement deregulation. For distribution of tourism benefit to host population, the industry should employ local people and limit the employment of expatriate labour. To confront with seasonality of tourism, governments with assistance of tourism sector should assess and respond to the changing nature of the international demand for tourism, for example by developing alternative forms of tourism. Diversification of national economy, especially in SIDS, reduces their dependency on tourism as a source of income, employment and foreign exchange earnings. Government have to direct their policies towards development of human resources, alleviation of poverty, and improvement of social security, correction of gender and income disparities and promotion of core labour standards by coordinated policy approach involving Governments, the private sector, non-governmental organisations, trade unions, host communities and international agencies. Government efforts to stimulate employment growth must emphasise the development of linkages between the tourism sector and the local support industries. governments in partnership with the tourism industry and civil society should strengthen secondary, vocational and advanced education of indigenous people. To prevent jeopardising local communities and social values by tourism the rate of growth of the tourism sector should be controlled and the local community should be empowered to decide what it is prepared to offer, how its cultural patrimony is to be presented and which aspects of the culture are off-limits to visitors. Tourism community awareness campaigns should be a permanent part of tourism planning implemented by major stakeholders to inform local community of their rights and involve them in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects. All above mentioned process should be linked to community benefits by creation of job entrepreneurial opportunities and social benefits, otherwise efforts to promote community participation may be ineffective. Governments should encourage the wider use of voluntary initiatives in tourism. Such initiatives reflect growing corporate recognition and commitment to its social responsibilities. To achieve balance approach on the development of sustainable tourism and protection of environment and sustainability in other economic sectors like agriculture and mining high priority should be assigned to the integration of policies for tourism development with environmental protection. Policy makers should review regulatory policies and systems of economic incentives and disincentives and address the need for capacity building as well as environmental monitoring and data collection. Governments should develop national strategies or master plans for tourism that provides focus and direction to all stakeholders. It should be supported by appropriate regulatory mechanism to deal with environmental assessment, building regulations and environmental standards for tourism. Tourism, in particular mass tourism, should be regulated and, where necessary, prohibited in ecologically and culturally sensitive areas. Also, in protected areas and where nature is particularly diverse, vulnerable and attractive, tourism should be permitted only when it meets the requirements of nature protection and biological diversity conservation. Governments should fully implement the principles of integrated coastal area management. Environmental impact studies should be undertaken in the

preoperative stage. Governments should pay attention to negative environmental impacts of road and air traffic and take steps to ensure that tourism development incorporates environmentally friendly modes of transport. In this regard, consumption patterns can be influenced through appropriate marketing, pricing and consumer education, or new forms of tourism can be developed. The user-pays principle in resource consumption such as water and energy is appropriate and should be more widely applied and supported. Banks and insurance companies can promote sustainable tourism by advocating policies that incorporate environmental and social criteria into assessment procedures for loans, investments and insurance as well as financing environmentally sound technologies and providing incentives for sustainable tourism and therefore their role should be encouraged. Partnership amongst all stakeholders and participatory approaches can promote responsible practices among businesses, host communities and tourists, for example, through the development of codes of conduct, guidelines and voluntary initiatives in support of sustainable development. Sustainability issues should be fully integrated into courses at all levels of education in order to develop environmental awareness and the skills required to promote sustainable tourism. They could be implemented in the form of before travelling information awareness, local environmental awareness-raising activities, training programmes and networks to exchange training materials dealing with environmental protection. Capacity building among local government entities should be taken placed on tourism development and management. The Government should encourage the tourism industry to use participatory approaches involving all stakeholders to develop the monitoring and public reporting of its activities, particularly with regard to their compliance with unenforceable codes of conduct and voluntary initiatives. Incentives, including the award of prizes, certificates and eco-labels for sustainable tourism, should be used to encourage the private sector to meet its responsibilities for achieving sustainable tourism.

The GA report on sustainable tourism in its different parts discussed the role of international community on sustainable tourism development. Concerted international action is recommended. The removal of tariff-like barriers such as differential taxes is a way to increase participation in international travel. Further liberalisation commitments on trade in tourism should be negotiated under the General Agreement on Trade in Services (GATS), and an annex on tourism services may be required. The responsibility of international organisation and the donors in training and capacity building includes the effective use of computer reservation systems, global distribution systems and the Internet to maximise their earnings from tourism and to meet international standards and technical assistance in preparation to participate effectively in tourism forums. International community should assist governments to carry out research on the development of a model strategy for integrating local communities into the formulation, implementation and management of tourism projects and other needs of developing countries. Multilateral and regional financing institutions should give high priority to appropriate strategies for the environmentally and financially sustainable development of tourism and related sectors, in

particular for financing infrastructure projects, the provision of modern telecommunications services under pro-competitive regulatory regimes and human resource development activities. On the unification of tourism accounting measures national tourism agencies and the statistical offices of all countries should adopt the definitions on tourism statistics as approved by the United Nations Statistical Commission in 1993. International cooperation to advance social development objectives in the tourism sector should be built on the foundations established at the World Summit for Social Development and countries' commitments expressed in the Copenhagen Declaration on Social Development. The application of standards set up by social summit should go hand by hand with appropriate technical and financial assistance to the concerned countries. Strengthening international coordination and monitoring systems through liaison and networking among governments, the private sector and concerned parties could promote the positive aspects and minimising the negative impacts of tourism. The 1997 Manila Declaration on Social Aspects of Tourism could be of great relevance and can provide the basis for international action and cooperation. The need of formulation and eventual adoption of a global code of ethics for tourism is highlighted. The international community should further mobilise international support to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups. International community should deal with the negative transboundary and global impacts of tourism on the environment caused by increasing of air, sea and land transportation of tourism. Policy coordination and cooperation at the international level is needed to address the global environmental impacts of tourism, as well as issues of biological diversity, coastal area management and ecotourism. The international community has an important role to play in developing a set of internationally recognised reporting standards as well as external monitoring and accreditation systems for assessing the sustainability of tourism services. The international community has an important role in assisting concerned countries through the provision of financial and technical assistance. The international community should support the development of inventories of tourism activities and attractions that take into account the impact of tourism on ecosystems and biological diversity. In this regard, technical and scientific cooperation should be established through the clearing-house mechanism of the Convention on Biodiversity.

The international community have to strengthen development cooperation to make tourism development more environmentally sustainable, while emphasising financial support and measures to accelerate the transfer of environmentally sound technology. Steps should be taken to facilitate the international exchange of information, experience and technical skills, especially between the developed and developing countries. The international community should support the programmes and initiatives of international organisations such as UNEP and WTO designed to promote sustainable tourism.

The role of NGO's on sustainable tourism development is highlighted in different parts of the report. Basically NGO's are recommended to voice more their view in tourism policies and

strategies and contribute to the development and implementation of environmental standards for tourism. They also need to develop or participate in raising awareness and education activities for sensitising tourists towards improving guest consumption patterns and assist in monitoring tourism activities and development and progress towards more sustainable tourism.

The report tried to come up with an international arrangement to serve various aspects of international tourism and suggested the requirement of an annex on tourism services to GATS, comprising regulatory issues such as definitions, competitive safeguards, access to information, fair and transparent use of global distribution systems, linkages between tourism and air transport and security conditions for service contracts. It suggested that the relevant provisions of GATS should be fully implemented, or, if necessary, new provisions should be developed, to prevent unfair competition arising from discriminatory practices in the issuance of visas to tourists that favour certain tour operators and travel agents.

The problem of the measurement of tourism activity was pointed out by report. It creates many deficiencies on planning and assessment as well as monitoring and reporting of tourism activities world wide and limits regional and world aggregations and makes international comparability difficult. The report suggested applying the definition of 1993 of UN Statistic Commission. There is other proposal to apply procedure of tourism satellite accounting which is recently proposed by WTTC. However by the application of uniform system of tourism accounting measures by states a clear measurement of the role of the tourism sector in international economic development and trade would be possible. Such a system could then be used in international negotiations on services, for which adequate statistics and policy analysis are a necessary prerequisite. It could be also served as a basis on the international tourism negotiation and formulation of international tourism agreements.

Other interesting point on international community challenges is the role of research on sustainable tourism development. Many ideas on capacity building traditionally focused on a very classical way which is familiarising local community or authorities with their rights and obligations and new techniques in tourism development. Research on emerge themes such as leakages of foreign exchange earnings from the tourism sector or the impact of all-inclusive tours on the financial sustainability of the tourism sector in developing countries are an innovative idea which could lead international community and concerned country to a wide orientation of appropriate action plan on tourism.

Other notable point is the linkage made be report between sustainable development of tourism and the objectives of social summit. The report predicted that tourism sector, which is forecast to provide rapid growth in productive employment over the next two decades, can be a major contributor to the achievement of many of these goals for social development if it complies with core standards and other standards related to working conditions, occupational safety and health and social security. The main objectives of Social Summit are to alleviate and reduce poverty,

expand productive employment, enhance social integration as reflected in the final declaration of summit.

In various opportunities the report highlighted the interrelation of sustainable tourism with the eradication of poverty. The poverty alleviation is considered by UNCED and Rio Declaration as a high priority objective and CSD addresses the issue as an overriding theme. The linkage made by report between sustainable tourism and the main economic goal of Rio summit as well as the linkage between sustainable tourism and the goals of social summit positioned sustainable tourism on its definite place in international community.

The report suggested some practical international norms and standards to be set up by international community for ethical-social aspect of tourism. Great emphasise take place on the content of 1997 manila declaration which is a fundamental base for Global Code of Ethic of WTO as well as the content of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, adopted a programme of action designed to contribute to the global effort to suppress child sex exploitation and 1997 Amsterdam Child Labour Conference and Amsterdam Declaration, which addressed the most intolerable forms of child labour, and 1997 International Conference on Child Labour and Oslo Declaration, which addressed the issue of practical action to eliminate child labour. Such attention prepares the ground for further initiatives on international action against abuse of vulnerable and disadvantaged groups in tourism industry.

In the eyes of report there are sufficient international regulation related to tourism development which need to be translated to practical programmes. In this regard report pointed out international and regional agreements such as CBD, the Berlin Declaration on Biological Diversity and Sustainable Tourism, the Malé Declaration on Sustainable Tourism Development, the Declaration of San José, the Charter for Sustainable Tourism, the World Heritage Convention and Agenda 21 for the Travel and Tourism Industry as well as the recommendations on the sustainable development of tourism in the eastern African States and the Council of Europe's recommendations on a general policy for sustainable and environmentally friendly tourism development. The content of these agreements should be taken into account for any further development on sustainable tourism regulation setting.

The prioritising of technical assistance is also interesting. The assistance should target development of a range of meaningful and effective planning guidelines, codes of good practice, regulatory frameworks and policy provisions aimed at achieving sustainable tourism. The development of integrated national tourism policies and master plans, capacity building, development of tourism infrastructure and the promotion of sustainable planning and management of tourism, development of techniques and frameworks for assessing the environmental and social impacts of tourism, and promotion the use of integrated environmental management and social responsibility programmes for sustainable tourism. As its clear tourism software are the main or in other word first targets of international assistance. Most of such provisions may deal with if an appropriate international body with sufficient internationally agreed legal instrument would be

available. In this case many of international technical assistance could focus on the tourism hardware requirements. Two other noteworthy suggestions of report are regionalisation of sustainable tourism development and facilitation of international exchange of information and experiences. Regionalisation could open up new opportunities, reduce unhealthy competitions, improve regional harmonisation and decrease costs of tourism supportive sectors as well as support tourism development planning, market development and promotion, strengthening and expansion of the roles of national and regional tourism institutions and organs and training and manpower development. The need to have an international mechanism to facilitate information and experience exchange is expressed in various previous UN related reports and many recent declarations. The report suggestion in this regard is turn attention to such international need in sustainable tourism area.

The SG report together with the interventions of participants in the CSD7 Inter-Sessional Ad Hoc Working Group on Consumption and Production Patterns and on Tourism at its meeting from 22 to 26 February 1999 formed the Co-Chairmen's summary of the discussions on tourism. The summary and recommendation of co-chair and the contributions of multi stakeholders' session and the deliberations of the CSD7 high-level segments resulted to one of the most decisive international references (decision 7/3) on the sustainable development of tourism and particularly nature based tourism. The working group apart of highlighting positive impact of tourism worldwide pointed out some cautions facts on nature based tourism planning and development such as over-reliance and natural disaster effects on tourism as well as negative social and cultural impacts such as drug abuse, child labour, prostitution, overcrowding, and pressure on resources as well as environmental degradation caused by tourism activities.

Amongst the other issues working group put the emphasis on the fresh water and energy consumptions. Tourism industry is an extremely intensive user of fresh water which the dimensions of the shortage of fresh water in many destination could effect severely the quality of tourism industry and local living conditions unless steps are taken to minimise water use in accommodation and other tourism activities. Other noteworthy idea raise in the working group was the idea of involvement of industry in the conservation process of sites. The tourism industry can help protect and rehabilitate natural assets, such as parks, protected areas and cultural and natural sites, by its financial contributions, provision of environmental infrastructure and improved environmental management. In some industries such as oil, shipping, and transport which environmental concerns are high, the establishment of financial mechanism to deal with environmental degradation caused by activities of the relevant sector are envisaged in the form of for example special fund in oil related treaties. Considering the magnitude of tourism industry and the potential environmental impacts of tourism and tourism related activities such idea is an alternative way to have secure nature based tourism particularly in sensitive areas.

The working group recognised some activity to undertake by governments such as development of national strategies or master plans for tourism, considering various options available for financing

tourism infrastructure projects, supporting small and medium-sized enterprises, facilitating the involvement and commitment of all stakeholders, redistribution of tourism benefits within local community, controlling host/guest rate, capacity building at all levels, monitoring tourism performance and developing indicators, involving local community in decision-making process, raise public awareness, and protecting disadvantage and vulnerable groups in destinations. Such duties for governments are more or less the same as previous debates on nature based tourism. A controversial idea of working group with international law is the principle of free access and the provision of the recommendation of the working group on the limitation approach, or where necessary, prohibition in access to ecologically and culturally sensitive areas. The working group argued that in protected areas and where nature is particularly diverse, vulnerable and attractive, tourism should be permitted only where it meets the requirements of nature protection and biological diversity conservation. The provision of free access to landscape as an international customary law observed the right of free passage and access to landscape for individuals. Probably by indirect incentives such as the principle of polluter pays and the user-pays systems the access to sensitive areas could be controlled. The principle of polluter pays and user-pay system are also valid as economic instruments to promote sustainable tourism. In many destinations the full-costing and pricing of energy and water can promote eco-efficiency in the tourism industry. Additional revenue can be used to support improved management of protected and sensitive areas. In such circumstances the polluter-pays principle is appropriate and together with user-pay mechanism and the provision of additional revenue could be formulate a suitable procedure for the protection of sensitive areas and using them as sites for nature based tourism.

The working group also considered the appropriate responsibilities for tourism industry and private sector. The working group highlights the importance of marketing strategy on raising awareness among tourists and increase responsible behaviour. Eco-labels are other initiative which could serve as a means of promoting destination's facilities. Eco-labelling is always a debatable issue between international environmental and developmental agencies. In WTO the concept of eco-labelling and related issues were under consideration by the Committee on Trade and Environment of the World Trade Organisation for many years while UNEP is a famous supporter of eco-labelling. The working group and though it, CSD therefore considered it positively.

The environmental management system, as working group recommended, should be integrated by industry on implementation of projects contains environmental and social audits, training of staff in the principles and practices of sustainable tourism management, taking all appropriate measures to minimise all forms of waste, conserve energy and freshwater resources, and control harmful emissions to all environmental media, as well as minimise the potential environmental impacts from tourism development, for example, by using local materials and technologies appropriate to local conditions. These procedures are the main environmental tools to reach environmentally sound of nature based tourism development. They based on the principle of sustainable use of natural resources, principle of preventive measures, principles of the right of inter and intra

generation development, participatory principle, principle of capacity building, and environmental protection procedures.

The voluntary initiatives also elaborated by working group and the need to prepare an inventory and assessment mechanism by tourism industry is highlighted. Some delegations requested the preparation of an inventory of all existing codes of conduct, guidelines and voluntary initiatives concerning sustainable tourism. CSD working group although noted the industry initiatives on VI, seriously considered the need to regulate such initiatives by industry itself.

Recognition of the sector as a valuable economic tool for development by international community, technical and financial assistance, capacity building, research on suggested areas by developing countries, and transfer of environmentally sound technology to developing countries are amongst other demands of working group from international community and particularly donors. The frame work of strengthening of international developmental cooperation which examined in working group has three dimensions. First dimension is about having an environment for exchanging information. Such mechanism should facilitate the international exchange of information, experiences and technical skills among all states and in all aspects of sustainable tourism including environmental, economical and social aspects. Working group of CSD thus recognised the need of a kind of clearing house mechanism with the ability of facilitating the distribution of information and experience as well as providing technical skills in all tourism concerned areas. Second dimension recognised the role of regional cooperation as an important policy approach for promoting the development of sustainable tourism. In one side the regionalisation has an important role on sustainability of tourism industry and in the other side the sustainable tourism based on regional cooperation motivated by policy determination may serves as an important tool to achieve piece and tranquillity. Third dimension addressed the need to effectively translation of the international, regional and multilateral agreements and guidelines on sustainable tourism into practical programmes for implementation by the tourism industry, Governments and civil society. Such need is the reflection of the blankness of an international analytical body to offer sufficient interpretation on core tourism related international agreements and instruments. Most of international treaties, particularly post-Rio ones are benefiting from this kind of facility tools such as SBSTTA in CBD. Any endeavour on formulation of international sustainable nature based tourism should take into account such necessity. The working group then produced a draft decision on tourism development for the further consideration of CSD7 and its high level segments. The proposed draft contains almost all parts of decision 7/3 of CSD7.

The result of the inter sessional ad hoc working group on tourism and on sustainable consumptions together with the outcome of multi stakeholders dialogue on tourism are noted by high level segments of CSD7. Prior to the high level segments, CSD hold the multi-stakeholder dialogue in April 1999.

One of the advantages of considering tourism under economic sector/major groups of CSD is benefiting of the mechanism of multi-stakeholder dialogue to work effectively of the matter and

take in to account the opinions of major partners within the sector. In CSD7 dialogue on sustainable tourism the major groups such as actors from industry, workers, communities and local authorities formed multi-stakeholder dialogue and focus on the impact and contribution of tourism to sustainable development. The multi-stakeholder dialogue on tourism commenced with deliberation of representatives from local authorities, trade unions, industry and NGOs with government representatives in Tourism Segment. The themes of four half day session of the segment were industry initiatives, consumer behaviour, sustainable development and coastal impacts related to tourism. The purpose of the Segment was to generate meaningful dialogue between Governments and representations of major groups, and to identify policy directions that may reinforce the positive impacts of tourism on sustainable development objectives. It should be noted that this dialogue assist subsequent discussions of the CSD both in the High Level Segment and drafting of the outcome of CSD7 on sustainable tourism including an agreed work programme in this area.

Some new general consensus have arisen during dialogue including the considering voluntary initiatives as a mean of promoting sustainable tourism which could be complementary to national and local regulatory compliance efforts, multi-stakeholder participation, and openness and transparency on tourism indicators.

Voluntary initiatives are mostly the parallel mechanisms to the normal regulatory approaches of governments to achieve sustainability in the area of their activities in a straightforward manner. They are cost-effective and their participatory character allow them to be more effective. Their characters such as multi-stakeholder participation, mutual trust and respect, transparency, monitoring, and assessment and verification generate confidence and support from all concerned parties. To avoid public discouragement on VI, because of their variation and sometimes their vague and unclerness, an international guideline is needed to promote their global consistency and provide educational component in tourism as well as afford decision-making tools for consumers and communities. Considering VI in the debate and outcome of the segment has significant consequences on the further international tourism legislations and formulations. For more information on voluntary initiative please refer to the Toronto Workshop to Identify the Key Elements of a Review of Voluntary Initiatives and Agreements (10–12 March 1999). The dialogue also highlighted the certification system and its interaction with best practices and the need of more research to best practices in tourism sector and its effects on sustainable development.

In the eyes of many, tourism decisive issues were discussed and decided in separated and fragmental environments which some major actors such as worker or unions had limited accessibility and representativity. The dialogue turns the attention to the fundamental rights of all concerned groups in the decision-making by considering principles of participation, openness and transparency in due process. Formulation and using indicators on, inter alia, tourism sector was a permanent preoccupation on SIDS debates. In dialogue the need to develop, implement and use of indicators for sustainable tourism is highlighted. One of the worrying maters in the development

of tourism related indicators is disconcerted efforts within the international community on the subject. The need to coordinate all international endeavours on the formulation of tourism indicators is obvious. In the other hand tourism indicators should couple with local priorities and circumstances and therefore should be formulated with close consideration of local conditions including social, cultural and environmental carrying capacity of destinations. Indicators are more appreciated when they are open to independent auditing and placed within a transparent, open framework where stakeholders' various responsibilities were clearly defined.

The idea of having an international framework or plan of action for sustainable tourism with the potentiality of implementation based on local decision-making which highlighted by dialogue, could be develop on the basis of local Agenda 21. It is an established mechanism for facilitating multi-stakeholder cooperation which could be employed in destinations to promote sustainable tourism<sup>21</sup>.

Probably one of the innovations of dialogue is the idea of proposing a sustainable tourism covenant to promote higher standards of tourist behaviour. It should be developed with major groups' participation. Although the proposal is in the context of influencing consumer behaviour, it reflects the need of formulation of global tourism concerns at international level.

The idea of de-marketing strategies is also raised in multi-stakeholder dialogue. Recently the overloading and mass tourism create many damages to some valuable nature based tourism sites. De-marketing could protect sensitive or fragile destinations from damage by pricing orientation measures, omission from guidebooks and advertising of other tourist sites in both originating and destination countries.

Other initiative which reflected in the summary of chairman is the establishment of a multi-stakeholder working group in collaboration with relevant United Nations agencies and organisations to address financial leakages and how to maximise benefits for local communities, preparing a joint initiative to improve information availability and capacity building for participation, and developing a plan to ensure indigenous peoples and other local communities their rights to land, water and other natural resources. The idea of establishment of an international mechanism to deal with new and emerging issues in tourism sector, without considering the content, is a need especially in the area of nature based tourism. Such mechanism should envisage in any international regulatory endeavour.

The overriding issue in the summary is education and its effects in various forms and manifestation in sustainable tourism particularly nature base tourism. For example as a preventive measure tool on confronting with HIV, or in the form of principle of prior informed consent in decision-making process, or considering the role of mass media, artists, musicians for tourists educational purposes.

The coastal impact of tourism was put in the agenda of work of multi stakeholders' dialogue mainly by SIDS and EC. Coastal zones are one of the sensitive environmental areas and the

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<sup>21</sup> For more information in the international council for local environmental initiatives homepage at [www.ichlei.org](http://www.ichlei.org)

general contents of its discussion or proposed formulation may serve in other sensitive areas after necessary modification and application of local circumstances. The concept of integrated coastal zone management and its biophysical and cultural limits together with some other suggestions such as localisation of the decision-making process with the participation of all stakeholders, workplace-based planning to form host habits, using coastal schemes like blue flag, and comprehensive waste management system are appropriate tools to enhance sustainability in coastal tourism zones. The idea of establishment of a multi-stakeholders advisory mechanism at international level on the planning and implementation of a fully integrated process of coastal tourism development raised by NGO's is another example on the demand of the international community for a regulatory body on the emerging issues in nature based tourism area. The polluter pays principle is supported by dialogue but there was not consensus on the role of subsidies on tourism infrastructures. The dialogue also did not suggest any approaches for the implementation of the principle. The principle of polluter pays has been developed in last decade and used in various forms such as taxes and charges, tradable permits, deposit refund mechanism, and eligibility for receiving subsidies. However the principle still has some difficulties to be considered as an international customary law, although the principle 16 of the Rio declaration supports the application of the polluter pays principle.

### **The Analysis of CSD Decision 7/3<sup>22</sup>**

In the following some of the outstanding achievements of the tourism sector through decision 7/3 will be discussed and elaborated. The contents of the previous reports of the UN Secretary General and the discussions on the inter-sessional ad-hoc working group on sustainable consumption and on tourism of CSD7 as well as the multi-stakeholders dialogue segment of CSD7 on tourism and high level segment session of CSD7 are reflected in the 7/3 and will also be discussed.

#### **1) Clarification of the concepts of sustainable tourism and ecotourism**

At the inter-sessional ad-hoc working group on sustainable consumption and on tourism of CSD7 there was an attempt by many delegations to define sustainable tourism. As the chairman of the meeting reported one delegation suggested that sustainable tourism is, inter alia, development which "meets the need of present tourists and host regions while protecting and enhancing opportunity for the future". Other delegations suggested that "sustainable tourism must seek a balance between (a) economic benefit and investment; (b) social participation, including local communities, with direct earnings, and seeking preservation and consolidation of its cultural values and traditions; (c) conservation and protection of environment and biological diversity, taking into account regulations that allow an appropriate management of habitats and the introduction of education and dissemination of information to promote an environmental

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<sup>22</sup> <http://www.un.org/esa/sustdev/sdissues/tourism/tour2.htm#doc>

consciousness among the local population and visitors”<sup>23</sup>. One delegation noted that ecotourism is an economic activity that minimises environmental impacts, valuing and contributing to the conservation of ecosystems, and at the same time generates incomes for local communities.

Decision 7/3 on Para 5(j) invites the international community and all stakeholders to clarify further the concepts of sustainable tourism and eco-tourism.

## 2) Master plans

In governmental part of decision 7/3 the commission urges the governments to build up and implement their policies and national strategies or master plans for sustainable tourism development based on Agenda 21, for enhancement of their sustainable tourism development<sup>24</sup>. The SG in his report on the progress of the implementation of POA in SIDS on the Development policy framework proposes; establishing a tourism master plan with links to national development plans, the creation of a national sustainable development commission or national sustainable tourism commission, tourism development plans and policies, and evolving long term national policy for sustainable tourism development with an emphasis on environmental conservation. He pointed out the plans need to be focused on “(a) creating and improving conditions for attracting foreign investment in tourism; (b) marketing and promotion of tourism to achieve maximum growth in arrivals; and (c) designing the type of legislative framework that would further those objectives<sup>25</sup>”. The issue was also raised in UNGASS. Rio+5 pointed out the importance of a national strategy in the tourism sector. As resolution A/S 19-2 refers to sustainable patterns of consumption and production in the tourism sector, it is essential to strengthen national policy development and enhance capacity in the areas of physical planning, impact assessment, and the use of economic and regulatory instruments, as well as in the areas of information, education and marketing<sup>26</sup>. The SG advised that governments should **develop national strategies or master plans for tourism** that will provide focus and direction for **all stakeholders**. These strategies and master plans need to be complemented and supported by appropriate **regulatory mechanisms and tools to deal with environmental assessment, building regulations and environmental standards for tourism**<sup>27</sup>. For the advancement of tourism development, the SG suggested that national Governments need to implement policies that will **encourage the domestic tourism industry** and **attract foreign direct investment** and relevant technologies. He added that those policies should ensure tourism is properly planned and managed so as to **minimise its adverse** economic, social, cultural and environmental impacts. Therefore, appropriate attention and priority should be attached to tourism in **development planning** in order to integrate and coordinate tourism policies with the policies of other government agencies so that tourism develops in

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23 Report of Inter-sessional ad-hoc working group, E/CN.17/1999/16, paragraph 70, co-chairman report

24 Paragraph 3 of decision 7/3

25 Part II of E/CN.17/1996/20/Add.3

26 Para 69 of Annex to Resolution A/S 19-2

27 Para 69 of the report E/CN.17/1999/5

harmony with overall economic, social and environmental goals<sup>28</sup>. He recognised the role of foreign direct investment for tourism development as **it provides** an important source of capital, new technologies, organisation and management methods and access to markets. Such an investment can **be attracted and maintained** by a **stable policy environment** that promotes **confidence** among foreign investors in the economy. Therefore the stability of policies and plans of actions have a vital role in promoting confidence amongst foreign investors<sup>29</sup>. In Para 42 of the same report, the SG identifies the core objectives of national policies and plans as the development of human resources, alleviation of poverty, improvement of social security, correction of gender and income disparities and promotion of core labour standards. The governments, therefore, have the responsibility to direct their efforts towards those objectives as well as implementing a coordinated policy approach involving all major stakeholders. The need to establish an integrated policy framework is also highlighted<sup>30</sup>. In such a framework a high priority should be assigned to the integration of policies for tourism development **with environmental protection**.

In an inter-sessional ad hoc working group of CSD7 many delegations stressed that governments should give appropriate attention and priority to tourism in **development planning** so that it develops in harmony with overall economic, social and environmental goals, within an integrated policy framework. In this regard, governments should **develop national strategies or master plans for tourism**, in the **context of Agenda 21**, which will provide a focus and direction to all stakeholders. The co-chairman of ad hoc working group indicated some ideas which should be considered as various options available for **financing tourism infrastructure projects**, such as government outlays, financing by multilateral and regional financial institutions, involvement of the private sector through build-operate-transfer schemes, and foreign direct investment (FDI) as well as private sector financing possibilities for training, education, management and marketing<sup>31</sup>.

High-level segment of CSD7 also pays attention to the importance of plans of action. In Para 5 of the summary report of the chairman, he highlighted that tourism had the potential to make an important contribution to poverty alleviation and economic advancement, particularly through **integrated plans** with the inclusion of local stakeholders in planning and development and where a key objective remained the **protection of the cultural and natural assets** of the tourist locality<sup>32</sup>.

Paragraph 3 (a) of decision 7/3 proposed the priority areas for such master plans. Such master plans should;

- Encourage the local tourism industry.
- attract foreign direct investment and appropriate environmentally sound technologies.

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28 Para 16 of the same report

29 Para 18 of the SG report E/CN.17/1999/5

30 Para 68 of the same report

31 Para 73 and 74 of E/CN.17/1999/16, co-chairman summary

32 E/1999/29-E/CN.17/1999/20

- provide appropriate focus and direction for the active participation of major groups, including national tourism council and tourism agencies, private sector, indigenous and local communities.

The main elements proposed by the report of the SG and working group are that every master plan should be built up on the content of Agenda 21 to provide focus and direction to all stakeholders. The 7/3 proposes a practical manner to draft national strategies or master plans. It contains three needs, local tourism involvement, foreign investments and major group participations. The main direction of master plans therefore is economic concerns together with social observations.

### 3) Consultation with Major Group and Local Communities

The UNGASS resolution indicated that local communities alongside the other stakeholders could play an important role in tourism development. It suggests that **policy development and implementation** should take place in cooperation with all interested parties, especially the private sector and local and indigenous communities.

The SG in his report on tourism and sustainable development<sup>33</sup> proposed that governments should consult widely with host communities and concerned major groups to ensure that as broad a range of views as possible is incorporated into the **planning process of tourism** development. He made obvious that the economic **benefits** of tourism should be **distributed** widely among the **host** population. One way to do this is to encourage the tourism businesses to employ local people and to limit the employment of expatriate labour. Community participation has to be linked to community benefits. Without transferring some of the benefits from tourism to local community efforts to promote community participation may be ineffective<sup>34</sup>. The need of considering local community opinions such as workers and the need for a greater role for employees in the formulation and implementation of company policies is elaborated<sup>35</sup>. To avoid local community antagonism towards tourists, Para 44 of the report suggested that the tourism industry has to **address the concerns of communities** in which they carry out their businesses. The importance of the presence of indigenous people in tourism senior management is referred to in Para 44 and the need to consult with the local community is highlighted in Para 45 on **how its cultural patrimony** is to be presented and which aspects of the culture are **off-limits** to visitors. In some cases the local communities are not well aware of their rights and the potential threats and benefits of tourism. Para 46 refers to this issue and suggests that **informing the community** should be a **continuing process**. The result would be **greater involvement of communities** in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects. In the same Para, the report envisaged that feelings of alienation and exploitation may arise where local communities are not involved in tourism development planning.

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33 E/CN.17/1999/5, Para 16 and 21

34 Para 44 of the same report

35 Para 36 of the same report

In its contributions to CSD7, the ad-hoc working group also stressed that governments should promote partnerships between all stakeholders and that they can play an important role by encouraging, supporting and facilitating the involvement and commitment of all stakeholders, especially indigenous and local communities, in **the planning, development and management of tourism**. They emphasised that there needs to be an increase in **the transfer of the benefits from tourism to local communities** through the **creation of jobs, entrepreneurial opportunities and social benefits** if efforts to promote community participation are to be effective. They also stressed that governments should promote the role of the local community in **deciding what it is prepared to offer**, how its cultural patrimony is to be presented and which, if any, aspects of the culture are off-limits to visitors<sup>36</sup>. Para 15(d) of the same summary focused on the challenges faced by the tourism sector and one of them is the need to involve local communities, at all levels, in all aspects of the tourism development process, such as policy-making, planning, management, ownership and the sharing of benefits.

The chairman of multi-stakeholder dialogue on tourism highlighted the participants feeling that multi-stakeholder participation could **help mitigate** the effects of globalisation. He reported that the **principle of local community participation in decision-making** was endorsed and added that there was broad agreement that **the rights of indigenous peoples and local communities** should be respected. Several participants noted that the use of indigenous or local cultures as a “product” to market must be approached with sensitivity, and should include the participation in decision-making of those groups affected by this<sup>37</sup>.

As a result of above negotiation, the CSD7 in Para 3(b) and (c) of decision 7/3 proposes that the consultation in tourism development process should be implemented with the major group and the local community in;

- policy formulation, planning, management;
- sharing of benefits, which could reflect the need to harmonise the relationship among the people, the community and the environment;
- ensuring active participation in tourism-related planning and development;

As 7/3 proposes the consultation with major groups, particularly with local communities, is the essential part of sustainability in any tourism development. They should be consulted not only in the formulation, planning and management of tourism developments but also in development and planning of tourism-related activities. It is also envisaged that any model of distribution and redistribution of tourism benefits should be based on the local community consultations. Government delegations were careful to draft this part of 7/3 to avoid their absolute sovereignty rights being undermined and by commencing the paragraph with “as appropriate” made its content conditional. Para 3(a) and (b) have their roots in the participatory principle and principle of sustainability as well as intra generation principle.

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<sup>36</sup> Paras 20, 21, and 25 of co-chairman summary, E/CN.17/1999/16

<sup>37</sup> Chairman's summary of the multi-stakeholder dialogue on tourism, E/CN.17/1999/20 Page 54, Para 24 an 25

Decision 7/3 in its Para 5(a) also invited the major groups and international community 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.**

#### 4) Capacity Building

The 22<sup>nd</sup> special session of GA on SIDS addresses the areas of common commitments of the international community and SIDS to further implementation of POA. On the capacity building, the resolution expresses on the strengthening of institutional capacity building in the tourism sector, and promoting environmental protection and the preservation of cultural heritage through local community awareness and participation<sup>38</sup>. The SG on his report on tourism development in SIDS pointed out the need for strengthening of regional cooperation on strategies, standards and capacity building for tourism, with the assistance of international institutions, the private sector and non-governmental organisations in the **area of human and institutional capacity building.** He also reminded international organisations and donor countries to increase their efforts in training and capacity building in the field of tourism in developing countries. He called on policy makers to address the need for capacity building as well as environmental monitoring and data collection to support the efforts of the tourism industry and civil society **to improve environmental protection** and reminded them that international assistance is crucial for capacity building<sup>39</sup>. In addendum three of the mentioned report he suggested that capacity building programmes should be implemented **to help local governments understand their responsibilities, develop integrated and participatory approaches, and define and implement policies for sustainable tourism**<sup>40</sup>. He turned the attention to human resources development and training of local workers to enhance not only the quality of tourism services but also the overall skills and **capabilities of the local workforce.** As a tool to promote partnerships and enhance dialogue with all major groups in society, capacity building should be undertaken by the governments in the framework of national plan of actions<sup>41</sup>. To address the lack of **indigenous senior managers** and the preponderance of low-skilled or unskilled employment in the tourism sector Para 44 suggested that governments should work in partnership with the tourism industry and civil society to strengthen secondary, vocational and advanced education to ensure that the developmental needs of society as well as the specific needs of the tourism sector are met. In view of the fact that many tourism activities and their impacts are highly localised, it is necessary to

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38 part V of its Resolution A/S-22/2/Add1

39 The SG report on tourism and sustainable development (E/CN.17/1999.5)

40 F/CN.17/1999/5/Add.3

41 Para 14 and 16 of E/CN.17/1999.5

promote capacity building among **local government** entities. This issue is pointed out in Para75 of the same report. It continued that in many countries local governments have important responsibilities for tourism development and management, and capacity building programmes will enable them to better understand these responsibilities with respect to sustainable tourism.

The same content is repeated in Para 23 of the summary report of the Co-chairman of the inter-sessional ad-hoc working group of CSD7<sup>42</sup>. Many countries noted that it is necessary to promote capacity building in sustainable tourism, **particularly among local governments** because in many countries, local governments have important responsibilities for tourism development and management, and capacity building programmes will enable them to better understand these responsibilities with respect to sustainable tourism. In Para 34 of the same report he mentioned that many delegations were of the view that international organisations and donor countries should increase their efforts in training and capacity building in the field of tourism.

The multi-stakeholders dialogue recommended the retraining issue to be considered. In Para 9 of the summary report of chairman of CSD7 he suggested that retraining and re-employment could provide a social safety net for communities adversely affected by tourism development and should be promoted by governments, international organisations and major groups.

In the high level segment of CSD7 the need for capacity building was also raised. the tourism focus points to the summary of the chairman which highlighted the need for **specific measures** for capacity building (for example, **education and training arrangements** for tourists, children, workers, educators, women, indigenous people and other relevant groups), including **industry-led initiatives**.

In the light of above mentioned negotiations, the CSD7 in its decision 7/3 examined the principle of capacity building for sustainable tourism as a tool to enhance local community participation in the tourism development process (Para3 d), to support national efforts towards sustainable tourism development (Para 5 b).

The aims of capacity building in indigenous and local communities are;

- to facilitate their active participation, at all levels of the tourism development process;
- transparency in decision-making and sharing of benefits;
- to create awareness of the social, economic and environmental costs and benefits that they are bearing;

Transparency and benefit sharing are parts of tourism development process as indicated by 7/3. They are highlighted to show their impact on the process. Transparency in decision-making creates a feeling of ownership in local community, increase indigenous senior managers in tourism development, eradicate potential areas of misunderstanding and friction, and decrease anti tourism sensations and feelings of alienation and exploitation. The result is a more effective protection of nature based tourism sites and preserves local cultural heritage. As the SG in his report <sup>43</sup> correctly

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42 E/CN.17/1999/20

43 Para 47 of E/CN.17/1999/5

recalled without the transference of some of the benefits from tourism to local communities through the creation of jobs, entrepreneurial opportunities and social benefits, efforts to promote community participation may be ineffective. Tourism community awareness campaigns are a collective and continuous responsibility to inform people of the benefits to be gained from tourism development. It has a vital role to play in the sustainability of the sector and protection of the destination's natural, social and cultural values as well as the health, welfare and enjoyment of all people involved.

Capacity building as a supportive tool to national efforts to achieve sustainable tourism development is also pointed out by 7/3 alongside other vital instruments such as environmental impact assessment and management and education in the field of tourism or international financial and technical assistance. It will remain in the agenda of the follow up body of 7/3 to be considered by an ad hoc informal open-ended working group on tourism.

### 5) Creation of framework and instruments

One of the everlasting preoccupations in tourism development is the need to transform existing international agreements, codes of conduct, and other internationally accepted norms to practical instruments to enable local authorities and the tourism industry to implement tourism developments based on such frameworks. The SG in his addendum report on the SIDS recalled the need to address legislation in the following manners; a) requirement of an effective legislation framework to achieve sustainable tourism, b) improving standards of land use in tourism development, tourism facilities and investment in tourism, c) enhancing effectiveness of environmental legislation, if existed, d) lack of standardisation in legislation and the obscurity of regulations, e) the need for regulations in coastal zone management and the creation of protected areas. Later on in his report on tourism and sustainable development to CSD7, he recalled the importance of the international community role in assisting developing countries, through the provision of financial and technical assistance to governments at all levels, to **develop a range of meaningful and effective** planning guidelines, codes of good practice, regulatory frameworks and policy provisions aimed at achieving sustainable tourism<sup>44</sup>. He also recalled the need for international agreements and guidelines **to be effectively translated into practical programmes for implementation** by the tourism industry, governments and civil society in Para 80. The report indicated such assisting **aims** for the development of integrated national tourism policies and master plans, capacity building, development of tourism infrastructure and the promotion of sustainable planning and management of tourism as well as developing techniques and frameworks for assessing the environmental and social impacts of tourism at the national, regional and local levels, and to promote the use of integrated environmental management and social responsibility programmes for sustainable tourism.

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44 Para 80 and 81 of E/CN.17/1999.5

He detailed the matter in the third part of the addendum report<sup>45</sup> and recommends that sustainability in tourism must not be achieved at the expense of sustainability in other sectors of the economy. This will require governments to: (a) Ensure that all environmental regulations and environmental policy measures are applied throughout the tourism sector, regardless of the size of the business or the type of tourism activity concerned; (b) Manage tourism in protected areas as well as national parks, paying due regard to their limited capacity to accommodate tourism without becoming damaged or degraded; (c) Plan the development of other economic activities, (such as agriculture or mineral extraction), to ensure that they do not deplete or degrade resources important to the tourism sector; (d) Make sure that the development of major infrastructures, such as road networks or water supply systems, caters for the needs not only of the tourism sector, but also of other industries in the area, as well as for the needs of the local community as a whole; (e) Take steps to reduce the seasonal pattern of tourism activity by developing out-of-season employment opportunities in destinations that are heavily dependent on tourism; (f) Develop a strategy for taxing tourism activity that is efficient, fair and conducive to the sustainable development of tourism; (g) Ensure that the economic benefits of tourism are distributed widely among the host population, so that local people have a strong incentive to protect tourism's environmental and cultural resource base.

He concluded the debate with the suggestion to governments to develop policy frameworks that will enable and encourage these changes to achieve sustainable tourism. This will require Governments to:

- (a) Ensure that sustainability, rather than be the preserve merely of niche market segments such as ecotourism, is adopted as the primary objective of all sectors of the tourism industry, large and small, private and public;
- (b) Encourage responsible practices, through the promotion of voluntary codes of conduct and environmental management schemes;
- (c) Apply a range of environmental regulations and management measures appropriate to the context in which particular tourism activities take place, and to monitor those regulations and measures, and ensure that their importance is widely appreciated;
- (d) Supplement these regulations and measures with appropriate financial incentive mechanisms such as user fees and tourist taxes: this will help to ensure that tourism operators and their customers are presented with the true costs of their activities;
- (e) Apply the polluter pays principle to ensure that the burden of regulation is shared as equitably as possible;
- (f) Adopt a precautionary approach to the development of policies aimed at fostering the sustainable development of tourism: this means taking positive action even before conclusive proof of cause and effect has been established<sup>46</sup>.

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<sup>45</sup> E/CN.17/1999/5/Add.3

<sup>46</sup> E/CN.17/1999.5/add. 1

He also challenged the international community to assist governments, to enable their tourism industries to become more competitive by helping to **develop workable techniques and frameworks** for assessing the environmental and social impacts of tourism at the national, regional and local levels, and working with Governments at all levels to develop a range of meaningful and effective planning guidelines, codes of good practice, regulatory frameworks and policy provisions aimed at achieving sustainable tourism. Governments should also ensure that there is an appropriate legal framework available to manage and control the tourism sector to prevent exploitation of resources and people, and to stop sex tourism and the abuse of children<sup>47</sup>.

The ad hoc working group also elaborated the matter and stated that the international, regional and multilateral agreements and guidelines that address the issue of sustainable tourism need to be effectively translated into practical programmes for implementation by the tourism industry, governments and civil society. There is also a need to consolidate as well as enhance the monitoring of these initiatives<sup>48</sup>.

The decision 7/3, therefore, in Para 3 (e) proposes to create the appropriate institutional, legal, economic, social and environmental framework by developing and applying a mix of instruments, inter alia, in the following areas;

- Integrated land-use planning.
- Integrated coastal zone management.
- Economic instruments.
- Social and environmental impact assessment for tourist facilities, including gender aspects.
- Voluntary initiatives and agreements.

## **6) Eradication of poverty**

Principle 5 of the Rio declaration calls the eradicating of poverty an indispensable requirement for sustainable development and requests all States and all people to cooperate in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Chapter 3 of Agenda 21 is also about combating poverty and enabling the poor to achieve sustainable livelihoods. So it is obviously an issue of top priority in the agenda of the international community. Nature based tourism could contribute to that aim in various forms based on its characters. This type of tourism can be a major driving force for economic development in many developing countries because of its large potential multiplier and spill over effects on the rest of the economy. The sector tends to generate a large number of jobs, particularly of the unskilled or semi-skilled variety.

The UNGASS made a linkage between these two concepts and recalled that tourism as one of the world's largest industries and fastest growing economic sector is relied on increasingly by many

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47 E/CN.17/1999.5/add. III

48 Para35 of the summary report of the co-chairman, E/CN.17/1999/20

developing countries as major employer and contributor to local, national, and sub-regional economies<sup>49</sup>.

The SG noted that in some developing countries, particularly those lacking adequate resources, tourism may be the only development alternative available in the short to medium term<sup>50</sup>. In Para 29 of the same report he stated that tourism can promote social development through its impact on employment creation, income redistribution and poverty alleviation. Also, the improvements in physical and social infrastructure that usually accompany tourism development often spill over into the rest of the economy, leading to more widespread social improvements, for example, in health and social welfare. As a social policy challenge Para 42 highlighted the role of governments in maximising the benefits of tourism and limiting its negative impacts on society. As such, he suggested that they have to direct their policies towards development of human resources, alleviation of poverty, and improvement of social security, correction of gender and income disparities and promotion of core labour standards through a coordinated policy approach involving all stake-holders. In Para 43 he also said that the employment created through tourism development can play a significant role in the alleviation of poverty, and government efforts to stimulate employment growth must emphasise the development of linkages between the tourism sector and the local support industries.

The chairman of the ad-hoc working group in Para 6 of his report noted that international tourism can potentially introduce both positive and negative social and cultural impacts in host destinations. The positive impact includes employment creation and poverty alleviation. He accounted in Para 15(a) that the concentration of services and profits into very few big trans-national corporations, often leads to the development of enclaves with no linkage to other socio-economic sectors of the local society is a challenge ahead of the sector. This challenge is limited the potentiality of the tourism sector to properly effect poverty alleviation.

The chairman of the multi-stakeholders in Para 5 of his report raised another question on the relationship of tourism and poverty. He noted that many people **are not able to participate** in tourism owing to **poverty and inadequate wages**. Based on this fact tourism is a two way street. On the one hand it could be used as an income generation tool and on the other people with relatively better incomes could spend their money in the tourism sector.

The issue also addressed by high level segment of CSD7 as reflected in Para 5 of the report of the chairman. Tourism has the potential to make an important contribution to poverty alleviation and economic advancement, particularly through integrated plans with the inclusion of local stakeholders in planning and development and where a key objective remains the protection of the cultural and natural assets of the tourist locality.

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49 Para 67 of resolution A/RES/S-19/2

50 The SG report E/CN.17/1999/5 Para 9

Decision 7/3 Para 3(f) urged governments to maximise the potential of tourism for eradicating poverty by developing appropriate strategies in cooperation with all major groups, and indigenous and local communities.

### **7) Appropriate framework for small and medium size enterprises**

The domestic tourism sector is largely made up of small and medium-sized tourism firms, which face diverse problems and challenges in adapting themselves to new international trends and need to develop strategies based on various market niches and specific segments that enable them to develop new products<sup>51</sup>. Decision 7/3 precisely described these tools as the major engine for job creation in the tourism sector (Para 3-i)

The SG in his report on tourism and sustainable development Para 20 recalled the importance of small and medium enterprises in the tourism industry of both developed and developing countries, and recommended that policy reforms address this source of entrepreneurial potential. For example, policies should be implemented to promote the access of such enterprises to finance and to strengthen the provision of industrial support services. Moreover, investment policies should encourage linkages among small and medium enterprises. Also, governments should provide tax incentives and implement deregulation to promote the development and competitiveness of such enterprises in the tourism industry. Para 15 of the same report recommended that small and medium enterprises require proper planning and market research to redefine and adjust marketing strategies for selling their products. Those businesses, particularly travel agencies, need to keep abreast of advances in informatics in order to compete successfully with large domestic and foreign tourism enterprises. Para 43 of the same report concluded that since many of the local tourism firms are likely to be small enterprises, governments should ensure that their policy and regulatory environments support small and medium enterprises by improving their access to markets, sources of information, training and credit. The need for technical cooperation is highlighted in Para 50 there the report suggested that in order to enable developing countries to develop competitive tourism sectors without compromising on labour standards, technical cooperation may be required to help tourism firms and small enterprises, particularly in Least Development Countries, attain this goal.

Two important challenges faced the tourism sector, as the chairman of the ad-hoc working group of CSD7 stated<sup>52</sup>. There are the need to improve the access of small and medium-sized enterprises (SMEs) to government incentives and publicity, and the need to enhance the linkages of the private tourism sector with the other sectors of the economy, and to ensure that domestic entrepreneurs are not marginalised by foreign investors in the tourism industry. In Para 19 of the same report he stated that government policies should be implemented to encourage and support small and medium-sized enterprises in the tourism industry.

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<sup>51</sup> Para 15 of E/CN.17/1999/5

<sup>52</sup> Para 15(c and f) of the co-chairman report, E/CN.17/1999/16

The multi-stakeholders of CSD7 have also discussed the issue in Para 34 of the report of the chair of segment and recommended that transfer of skills and technology, together with financial resources, is required to ensure access to international markets. Particular attention should be given to the needs of small and medium-sized enterprises.

Decision 7/3 in its Para 3(i) made clear that to promote a favourable framework for small and medium-sized enterprises (SMEs) governments should;

- reduce administrative burdens,
- facilitate access to capital,
- provide training in management and other skills,

### **8) Educational initiatives and plan of actions**

One of the attractive topics of the major group discussions on the multi-stakeholders dialogue segment was the influence on tourism behaviours. The topic addressed various educational aspects of tourism including information campaigns, raising public awareness, voluntary initiatives, the role of the media, and so on. The issue of an educational plan of action was reflected in Para 13, 14, and 15 of the summary report of the chairman of the segment. He stated in Para 13 that participants emphasised the importance of **education as a tool to influence consumer and producer behaviour** so as to promote sustainable tourism, particularly when education efforts and related educational materials are developed and applied through multi-stakeholder participation and cooperation. He identified the most important **channel for sustainable tourism education** as local Agenda 21 programmes, workplace-based partnerships for education planning and actions for change, non-governmental organisation networks, tourism industry associations, educators and educational institutions, tourism information centres, and national and international institutions of education. In Para 14 the session turned attention to the other major groups involved in tourism and indicated that education efforts should focus not only on **travellers** but also on **investors, workers and host communities**. Special attention needs to be given to young people and their participation both as recipients of education and as partners in developing education programmes. It was emphasised that these efforts should be applied in both formal and informal education. The **ultimate goal of sustainable tourism education** should be to move all relevant actors from short-term to **long-term thinking and planning**. In Para 15 he reported that there was an agreement that governments, the tourism industry and other stakeholders should establish programmes to raise public awareness about the impact of tourists on destinations, to promote respect for local communities and their cultures, and to protect the environment.

To respond to such debate the CSD7 in its decision 7/3 Para 9 welcomed the work of major groups, especially the business community, trade and tourism industry associations, non-governmental organisations and other groups involved in travel and tourism, to contribute to efforts to achieve sustainable tourism development, including through **educational initiatives and action plans**

based on Agenda 21 and other related documents. It particularly welcomed their commitment to work with all major groups, to do more, and to report to the CSD on their progress.

### 9) Tourism awareness and tourists' responsible behaviour

Tourist awareness and responsible behaviour play an inevitable role on the sustainability of nature based tourism. The SG in his report<sup>53</sup> evaluated a variety of methods to achieve such a goal. In Para 62 of his report he outlined that the tourism industry, by **modifying the products**, can directly influence the nature of tourism itself towards sustainable forms of tourism. In this regard, **marketing** is an important tool in the tourism industry that should be used to enhance the industry's initiatives for promoting sustainable development by raising awareness among their clients of the potential environmental and social impacts of their holidays and of responsible behaviour. Para 74 suggested various method to that end. It highlighted the importance of raising public awareness on sustainable tourism to encourage more responsible behaviour. He reported that often, if tourists are given opportunities to learn about the culture and environment of the host community **prior to their visit**, they behave more responsibly. **Local communities and businesses** also benefit from awareness-raising activities that alert them to the environmental impact of their activities and interactions with tourists. He suggested **integrating sustainability** issues fully into courses at all levels of **education** in order to develop environmental awareness and the skills required to promote sustainable tourism. The role of **NGO's** and the cooperation between governments and industry is constructive on tourism awareness. The same position reported by Para 30 of the report E/CN.17/1999/20. Another interesting issue raised in Para 58 of the same report is tourism ability to raise the awareness of the **local population** to the financial and intrinsic value of natural and cultural sites, motivating communities to reclaim their natural and cultural patrimony through environmental protection and conservation.

The inter-sessional ad-hoc working group of CSD7 also touched this issue. In Para 15 (f and g) of the chairman's summary two kinds of challenges for the tourism sector on the campaign awareness are mentioned.

First the need to **inform people** of the benefits to be gained from sustainable tourism development through community awareness campaigns and second, the need to **raise public awareness** about sustainable tourism and to encourage more responsible behaviour among tourists. Para 27 of summary considered raising public awareness as a mean to achieve sustainability and noted that **sustainability issues** should be fully integrated into courses at all levels of **education** in order to develop environmental awareness and the skills required to promote sustainable tourism. Influencing consumer behaviour is one of the four sections on which multi-stakeholders hold a dialogue in the CSD7 segment and offered interesting points such as Para13 of the summary of the chair. Here he pointed out the importance of education as a tool to influence consumer and producer behaviour so as to promote sustainable tourism, particularly when education efforts and

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<sup>53</sup> E/CN.17/1999/5

related educational materials are developed and applied through multi-stakeholder participation and cooperation. They agreed to establish programmes to raise public awareness about the impact of tourists on destinations, to promote respect for local communities and their cultures, and to protect the environment (Para15). They expressed their concern about the role of the media and the advertising industry, noting the impact they have on consumer perceptions and behaviour. They agreed that the **media should be encouraged** to act as an agent for influencing positive consumer behaviour. Governments were urged to encourage advertising messages that were consistent with sustainable development principles and objectives (Para 16). But maybe the most valuable contribution of multi-stakeholders in this area is reflected in Para 20 of the summary report where the chairman proposed the idea of **an inter-agency effort**, with stakeholder participation, to look at current activities **aimed at influencing consumer behaviour** and improving consumer advocacy. This effort would consider how to enhance the effectiveness of existing initiatives and activities, as well as research and evaluate the impact of price mechanisms and legislation on consumer behaviour.

Decision 7/3 in paragraphs 3(l), 4(b), and 5(c) made a resolution on this issue. 7/3 made clear that the governments should support appropriate measures **to better inform tourists** about cultural, ecological and other values and provide accurate information on the **safety of tourist** destinations, so as to enable **consumers to make informed choices**. The **industry** is called upon further to commit itself to the goal of sustainable tourism development by working towards **guiding principles and objectives** for sustainable tourism development and **information for tourists** on ecological and cultural values in **destination** regions. All stakeholders are invited to encourage more **responsible behaviour** among tourists through ensuring **respect for national laws, cultural values, social norms and tradition** as well as by increasing public awareness, in addition to other measures.

#### **10) Labour and sexual exploitation**

This was a controversial issue during the seventh session of CSD. Some developing countries, because of their national demographic characters, have considerable problems with child labour. Because of this many developed and developing countries were concerned about the social and cultural effects of all form of exploitation in destinations.

Para 30 of the SG report E/CN.17/1999/5 pointed out the negative social costs, such as drug abuse, child labour and prostitution, which not only have an impact on the local population, but may also damage the image of the destination itself. The report noted that in many situations, women and children can be seriously disadvantaged, discriminated against or exploited in the workplace. In particular, sex tourism, prostitution, (with the related problem of HIV/AIDS), and child labour (including the commercial sexual exploitation of children) are issues of serious concern (Para 37). In Para 52 he recommended that the international community should further mobilise international

support to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups.

The inter-sessional ad-hoc working group of CSD7 in Para 6 of the summary of its chairman highlighted the introduction of negative social and cultural change by tourism through drug abuse, child labour, prostitution, overcrowding, pressure on resources, and challenges to established culture. He emphasised that there is a need for further efforts to prevent and control tourism-related abuse and exploitation of people, particularly women and children and other disadvantaged groups. Both sending and receiving countries had roles to play in combating this serious negative impact of international tourism (Para 28).

Multi-stakeholders in Para 6 of summary report expressed their concerns on the child labour and sex tourism and stressed the need to eliminate the sexual and economic exploitation of women and children.

The issue also raised in high-level segment as reflected in Para 6 of the summary of the chairman. He recognised that tourism could have adverse impacts, including drug abuse, child labour, prostitution, overcrowding, pressure on resources, leakage of revenues, and challenges to established culture.

Decision 7/3 in Para 3(j) approved that government should take strong and appropriate action, through the development and enforcement of **specific legislation/measures**, against any kind of illegal, abusive or exploitative tourist activity, including sexual exploitation/abuse, in recognition of the fact that such activities have particularly **adverse impacts** and pose significant social, health and cultural threats, and that all countries have a role to play in the efforts to stamp them out. The tourism **industry** is advised by Para 4(f) of 7/3 to **distance itself publicly** from illegal, abusive or exploitive forms of tourism

#### **11) Promotion of sustainable tourism through art and music;**

Art has its advantages on promotion of sustainable tourism development. This was firstly discussed in multi-stakeholders segment of CSD7 and should be considered as one of the direct results of this segment. The chairman in of his summary, in discussing education as an essential tool, pointed out that the segment endorsed the proposal for stakeholders to jointly **develop, and employ musicians and other artists to promote, Agenda 21 and sustainable tourism**. Stakeholders asked Governments to join them in this initiative and support the development of networks to provide sustainable development, generally<sup>54</sup>.

Decision 7/3 in Para3 (g) endorsed the approach and recommended governments to welcome the major groups' agreement to promote sustainable tourism development through music, art and drama and to participate in such educational activities.

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<sup>54</sup> E/1999/29-E/CN.17/1999/20, Multi-stakeholders segment, Chairman report, Para26

## 12) In-flight educational videos

The SG in Para 41 of his report on tourism and sustainable development E/CN.17/1999/5 suggested that the airlines take a role in the promotion of tourism education through in-flight videos and publications, to inform passengers about the cultural sensitivities of host communities.

The chairman of the multi-stakeholders in Para 15 of his summary report indicated that the segment endorsed, as a specific initiative, the proposal of local authorities to develop, through multi-stakeholder engagement, **destination-specific in-flight educational videos** introducing travellers to sustainable tourism practices, and to promote their extensive use by airlines.

Decision 7/3 in Para 3(h) approved the initiatives and requests governments to facilitate destination-specific **in-flight educational videos** and other materials on sustainable development in relation to tourism and to encourage airline carriers to **routinely screen** such videos on all international and long-haul domestic routes.

## 13) Voluntary Initiatives (V I)

Voluntary Initiatives are a policy to improve environmental performance and help achieve sustainability. The advantages of V I are that they are more flexible than regulations and may be better suited to rapidly changing or complex situations, improve dialogue and trust between business, government and public and provide opportunities for innovation and flexibility in meeting environmental goals.

The SG in Para 48 of his report E/CN.17/1999/5 expressed the need and functions of V I and stated that governments should encourage the wider use of voluntary initiatives on the part of industry in both the formal and informal sectors. Indeed, these voluntary initiatives reflect growing corporate recognition and commitment to its social responsibilities. He added an important way in which tourism can achieve the target of sustainability is through self-regulation and voluntary initiatives (Para 63). He pointed out the Green Globe programme of WTTC and the International Hotel Environment Initiative (IHEI) programme as well as the Blue Flag programme as some useful examples of V I in Paras 64, 65, and 66 of the same report. The report in Para 67 also emphasised the need for V I to be **monitored, assessed and reported** to reflect their progress in attaining the objectives of sustainable development in general and of environmental protection in particular. The Para 77 of the same report recommended that **governments** should fully **support and promote** the V I of the tourism industry and encourage the **dissemination of best practices** within the business and local community. Incentives, including the **award** of prizes, certificates and eco-labels for sustainable tourism, should be used to encourage the private sector to meet its responsibilities for achieving sustainable tourism.

The in inter-sessional ad-hoc working group of CSD7 addressed V I only in its need to be assessed and monitored. The meeting suggested that an **inventory and assessment** should be made of voluntary initiatives on the part of the industry, and improvements in the **monitoring and reporting** of the industry's progress towards the objective of sustainable tourism. The preparation

of an inventory of all existing codes of conduct, guidelines and voluntary initiatives concerning sustainable tourism was also suggested (Para 32 of summary of chairman).

The multi-stakeholders segment supported the existing VI to encourage sustainable tourism and the commitment of industry to do more. **Agenda 21 for the Travel and Tourism Industry** was highlighted as a policy framework developed by industry (Para 6 of co-chairman summary). The segment agreed that the range of measures from regulation to voluntary initiatives and agreements were appropriate for further efforts to achieve sustainable development in the travel and tourism sector. Voluntary measures developed with multi-stakeholder participation, and based on mutual trust and respect, transparency, monitoring, and assessment and verification were seen as most likely to generate confidence and support from all parties (Para 7 of the same summary). The segment as reflected in Para 8 of the same summary, agreed on the need for review of existing VI. They highlighted the Green Glob programme and agreed to put in place a multi-stakeholder advisory group for this programme. As Para 18 indicated several programmes for the **certification of voluntary initiatives** were noted and some concern was expressed about **the proliferation** of such schemes without international guidelines to assist consumers and producers in understanding their **value and effectiveness**. There was broad agreement on the need for **a set of international guidelines** to promote international consistency and provide decision-making tools for consumers and communities.

Decision 7/3 in its Para 4(a) called upon the tourism industry to develop environmentally, socially and culturally compatible forms of tourism and to continue the development and implementation of voluntary initiatives in support of sustainable tourism development, bearing in mind that such forms of tourism and initiatives should meet, or preferably exceed, relevant local, national, regional or international standards.

Decision 7/3 in Para 5(l) invited all stakeholders to undertake a comprehensive survey and assessment of the results of implementing existing voluntary initiatives and guidelines relating to the economic, socio-cultural and environmental sustainability of tourism, to be reported to the CSD in order to identify best practices with respect to raising awareness of sustainable tourism development.

#### **14) Development of Indicators**

Indicators are essential tools for improvement of sustainable development including sustainable nature based tourism. They enable local and national authorities to improve the implementation of sustainable tourism based on the content of sustainable development. The linkage between indicators and monitoring, decision-making, and carrying capacity are discussed in the pre-session of CSD7 as pointed out in the following.

The co-chairman of the inter-sessional ad-hoc working group of CSD7 highlighted such a need in Para 24 of his summary and added that local and central governments should enhance their

capacity to **monitor the performance of the tourism industry** and to develop suitable indicators of sustainable tourism that can be used in their **decision-making**.

The multi-stakeholders also considered the issue in its segment and recommended that CSD should encourage **international agencies** to develop indicators to measure the environmental, social and cultural impacts of **coastal tourism**. Indicators should be **open to independent auditing** and placed within a **transparent, open framework** where stakeholders' various responsibilities were clearly defined. **Workshops** were noted as a useful tool for disseminating information derived from indicators (Para 33 of the chairman summary E/CN.17/1999/20). Para 11 of the same summary recalls the important role of CSD in promoting agreement on tourism indicators and highlights the need to develop, implement and use indicators for sustainable tourism. It suggested **better focus and coordination** are required, possibly at the **international level**, to achieve the goals. The summary highlighted the priority of identifying the limits to the social and environmental **carrying capacity** in tourism destinations. Hereby the indicators are linked to carrying capacity.

The commission in Para 5(k) of Decision 7/3 requested all stakeholders to develop core indicators for sustainable tourism development, taking into account the work of the World Tourism Organisation and other relevant organisations, as well as the ongoing testing phase of indicators for sustainable development.

### 15) Eco-efficiency

The SG in his report E/CN.17/1999/5 indicated that tourism enterprises should take all appropriate measures to minimise all forms of waste, conserve energy and freshwater resources and control harmful emissions to the environment. They should plan and manage their operations to minimise the potential environmental impacts from tourism development, such as using local materials and technologies appropriate to local conditions. Para 72 of the same report made a link between the eco-efficiency approach and the user-pays principle. It concluded that existing economic incentives that encourage environmentally unfriendly activities should be removed. The **full costing** and pricing of energy and water, in particular, can promote eco-efficiency in the tourism industry as well as provide **additional revenue** that can be used to support improved management of those resources. In this regard, **the user-pays principle** is appropriate and should be more widely applied and supported.

The inter-sessional ad-hoc working group of CSD7 emphasised the concern on over consumption of fresh water. Para 11 of the summary of co-chairman recalled that the tourism industry is an extremely intensive user of fresh water. The **problem of freshwater** supply could worsen as the industry expands globally unless steps are taken to minimise water use in accommodation and other tourism activities. To deal with this concern Para 18 of the same summary noted that the use of economic instruments to promote sustainable tourism, in particular the **full-costing** and pricing of energy and water, can **promote eco-efficiency** in the tourism industry as well as provide

additional revenue that can be used to support improved management of these resources. In this regard, **the polluter-pays principle** and **user-pays systems** are appropriate and should be more widely applied and supported. The ad-hoc working group urged tourism enterprises to take all appropriate measures to minimise all forms of waste, conserve energy and freshwater resources, and control harmful emissions to all environmental media, as well as minimise the potential environmental impacts from tourism development, for example, by using local materials and technologies appropriate to local conditions (Para 31).

Decision 7/3 in Para 4(c) and 5(o) called upon industry and stakeholders, particularly governments, to further develop voluntary eco-efficiency and appropriate management systems and encourage them to implement such approaches in order to;

- save costs;
- promote sustainable forms of tourism;
- reduce environmental impacts associated with travel and tourism activities;
- reduce the volume of packaging waste;

#### **16) Waste reduction**

UNGASS in Para 68 of its resolution A/RES/S-19/2 on the programme for the further implementation of Agenda 21 indicated that tourism, like other sectors, uses resources, generates wastes and creates environmental, cultural and social costs and benefits in the process.

The SG report E/CN.17/1999/5 commented that the treatment and disposal of liquid and solid wastes generated by the tourism industry is a serious problem, particularly for less developed economies that lack the physical infrastructure or capacity to treat the additional wastes generated by tourism activities. Where untreated effluents are disposed into surrounding areas of land and sea, the result often is the pollution of scarce inland freshwater resources, the loss of valuable marine life, the destruction of coral reefs and the silting and erosion of coastal beaches (Para 55). Para 56 of the same report discussed water pollution which could effect tourism sites and the water supply system. Air pollution is likely to worsen at the local and global levels from increased carbon dioxide emissions related to energy use in tourism-related transportation and in air-conditioning and heating of tourism facilities. As a result Para 71 of the same report suggested that Governments should pay special attention to negative environmental impacts of road and air traffic and take steps to ensure that tourism development incorporates environmentally friendly modes of transport. In this regard, a mix of economic, technological and management approaches may be useful. For instance, consumption patterns can be influenced through appropriate marketing, pricing and consumer education, or new forms of tourism can be developed.

The ad-hoc working group of CSD7 also considered the issue and Para 9 of the summary of the co-chairman recalled that the treatment and disposal of liquid and solid wastes generated by the tourism industry were identified as a serious problem, particularly for less developed economies that lack the appropriate physical infrastructure or adequate waste treatment capacity. The disposal

of untreated effluents into surrounding areas of land and sea often leads to the pollution of scarce inland freshwater resources, loss of valuable marine life, destruction of coral reefs and the silting and erosion of coastal beaches.

The position of multi-stakeholders is reflected in Para 9 of the summary of the co-chairman. He noted that on the issue of waste management, there was agreement to make further efforts to reduce packaging waste associated with the travel and tourism industry. The segment supported the polluter pays principle (Para 30).

Para 8 of the chairman's report on the high level segment of CSD7 stated that there was a general sense that some activities merited Commission endorsement, including minimising packaging waste associated with the travel and tourism industry.

The commission on Para 4(d) of its decision 7/3 called upon the tourism industry to take effective steps to reduce the volume of waste associated with travel and tourism activities.

### **17) Coastal zone fragility**

The SG in Para 23 of his report on tourism and sustainable development to CSD7 advised that governments should pay special attention to tourism development and management in coastal areas, which have often relied on tourism as a major source of income and employment. Many such areas are now facing a decline in their established markets. In many instances, a factor contributing to their declining fortunes is poorly planned and poorly managed tourism development in the past, which has impaired the attractiveness of the destination. Coastal tourism is particularly vulnerable in this respect, as it typically involves some of the world's most fragile ecological areas. In Para 54 he reported that coastal area development for tourism is an issue of particular concern. The unchecked construction of tourism facilities can despoil the pristine beauty of these areas and erosion from tourism facilities and infrastructures built too close to the coast can contribute to beach destruction and coastal degradation. The coastal impact of tourism was one of the themes selected by multi-stakeholders to be discussed in the segment. In Para 28 of the chairman's summary he noted that many sustainable development issues are focused around coastal systems, and that tourism is a crucial sector in coastal areas. Integrated coastal zone management was discussed. There was agreement that there were real biophysical limits to capacity in any particular location as well as cultural limits that should be determined at the local level by the local community. NGO's proposed the establishment of a multi-stakeholder group at the international level to counsel the planning and implementation of a fully integrated process of coastal tourism development and offered to launch this mechanism in collaboration with government, industry, trade unions and other major groups (Para 29). Local authority representatives proposed that regional coastal management agencies be established, where appropriate, to act as a mechanism for managing coastal area planning (Para 36).

However what is reflected on the 7/3 is the contentiousness of the proposal of Para 37 of the multi-stakeholders dialogue. It recommended that CSD **consider asking** the International

Maritime Organisation (IMO), with other relevant international agencies, to investigate the enforcement and **application of internationally agreed standards** and regulations relating to threats to sustainable development/the environment caused by shipping, with particular attention to coastal areas.

The high level segment endorsed the above proposal as the chairman reported in Para 8 of his summary.

The commission in Para 7 of its decision 7/3 approved the suggestion and invites relevant agencies, particularly the International Maritime Organisation, to evaluate whether existing regulations on marine pollution, and compliance with them, are sufficient to provide adequate protection to fragile coastal zones from adverse impacts as a result of tourist vessel activities.

#### **18) Research and dissemination of information of best practices and techniques**

The SG in Para 77 of his report E/CN.17/1999/5 recommended that governments should fully support and promote the Voluntary Initiatives of the tourism industry and encourage the **dissemination of best practices** within the business and local community. Para 82 of the same report suggested that steps should be taken to facilitate the **international exchange of information, experience and technical skills**, especially between the developed and developing countries.

The multi-stakeholders evaluated the issue in its segment. The chairman in his summary report Para 8 reported on the segment support for greater discussion and **promotion of best practices** and further **research to identify** such practices that promoted sustainable development in the tourism sector. In Para 11 of the same summary the need for reliable information and identification of best practices by industry was highlighted. Para 34 of the same summary introduced the financial mechanism of such an approach and stated that CSD should facilitate **funding** from international agencies such as the World Bank and from national Governments for **integrated environmental, social and economic research** on best management practices in regard to design, development and management of tourism projects in coastal regions.

The commission on Para 5(e) of its decision 7/3 invited all stakeholders to provide relevant direction on research activities, and collect and disseminate information on best practices and techniques, including an appropriate mix of instruments to minimise negative and to promote positive environmental, social and cultural impacts from tourism in developed and developing countries and in countries with economies in transition.

#### **19) Exchange of information**

The SG in Para 82 of his report E/CN.17/1999/5 suggested that steps should be taken to facilitate the **international exchange of information**, experience and technical skills, especially between the developed and developing countries.

The decision 7/3 in its Para 5(f) invites all stakeholders to promote the **exchange of information** on;

- Transportation,
- Accommodation and other services,
- Public awareness-raising programmes,
- Education,
- Various voluntary initiatives.
- The ways to minimise the effects of natural disasters on tourism.

Possible forms of this information exchange should be explored in consultation with relevant partners, utilising, inter alia, such means as bilateral and multilateral arrangements.

## **20) Research and study on the required areas**

The SG in Para 26 of his report to CSD7 on tourism and sustainable development indicated that studies should be carried out on **specific issues of interest to developing countries**, such as leakages of foreign exchange earnings from the tourism sector, the impact of all-inclusive tours on the financial sustainability of the tourism sector in developing countries and the development of a model strategy for integrating local communities into the formulation, implementation and management of tourism projects.

The multi-stakeholders take the issue in its session and proposed that **environmental impact studies** are an important tool for sustainable development and should be undertaken (Para 26). Para 34 of the same summary report suggested that studies should be carried out on **specific issues of interest** to developing countries. Technical and financial assistance to developing countries is critical to enable them to develop competitive and sustainable tourism sectors.

The commission of Para 5(g) of its decision 7/3 invited all stakeholders to undertake studies on appropriate measures for promoting sustainable tourism development, such as community planning in fragile ecosystems, including in coastal areas, and to develop tools to assist local authorities in determining appropriate management regimes and their capacity for tourism development.

## **21) Establishing a global network**

The SG in his report E/CN.17/1999/5 stated that the international community can enhance and strengthen international coordination and monitoring systems through liaison and networking among governments, the private sector and concerned parties with a view to promoting the positive aspects and minimising the negative impacts of tourism. In this regard, the Manila Declaration on Social Aspects of Tourism, issued in 1997, will be of great relevance and can provide the basis for international action and cooperation.

The Commission on Sustainable Development in Para 5(m) of its decision 7/3 invited all stakeholders to consider establishing a global network, taking into account the work of the World

Tourism Organisation, regional mechanisms and all major groups, as appropriate, to **promote an exchange of information and views** on sustainable tourism development, including **ecotourism**.

## 22) Design with nature

The SG in his report E/CN.17/1999/5 addressed several aspects of the need for properly designed tourist destinations. In Para 23 of the report he underlined coastal design and called upon governments to pay special attention to tourism development and management in **coastal areas**, which are often poorly planned and poorly managed in the past and have impaired the attractiveness of the destination. Coastal tourism is particularly vulnerable as it typically involves some of the world's most fragile ecological areas. In Para 54 he reported that coastal area development for tourism is an issue of particular concern. In Para 53 of the same report he included that indiscriminate tourism development can encourage intensive or **inappropriate use of land**, which can cause deforestation, soil erosion and loss of biological diversity. **Intensive human interference** with vegetation and wildlife through tourism can undermine or destroy traditional activities such as fishing and, perhaps more importantly, cause irreversible damage to valuable ecosystems. The growing market for **ecotourism or nature tourism** is another area of concern. If not properly planned and managed, such new forms of tourism **can threaten the world's most ecologically fragile areas**, including parks and natural world heritage sites.

One of the challenges faced by the international community on nature based tourism highlighted in Para 15(e) of the summary report of the co-chairman of the ad-hoc working group of CSD7 is the need to ensure that tourism development planning **preserves the natural and cultural legacy, heritage and integrity** of tourism destinations and **respects** the social and cultural norms of society, particularly among the indigenous communities. In Para 9 of the same summary he reported that **coastal area development** for tourism was identified as an issue of particular concern by many countries. Improperly planned development of tourism can despoil the pristine beauty of coastal areas, contribute to beach destruction and coastal degradation and negatively affect the livelihood of peoples in coastal communities.

The CSD in Para 4(e) of decision 7/3 called upon industry to "**design with nature**" in collaboration with planning authorities, by using low impact designs, materials and technologies, so as not to damage the environmental or cultural assets that tourists seek to experience and that sustain the local community, and to undertake measures to restore tourist destinations with degraded environments.

## 23) Locally integrated planning approaches

The SG in Para 19 of his report E/CN.17/1999/5 suggested when undertaking the development of major infrastructures, such as road networks or water supply systems, national governments have to ensure that they cater not only to the needs of the tourism sector, but also to the needs of other industries in the area, as well as to the local community as a whole. In Para 46 of the same report

he highlighted the role of the local community and suggested that there should be support for greater involvement of communities in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects. Feelings of alienation and exploitation may arise where local communities are not involved in tourism development planning. In Para 53 he added in the absence of proper planning and management, tourism development can create strong competition for the use of land between tourism and other competing uses, leading to rising prices for land and increased pressure to build on agricultural land.

The chairman of the ad-hoc working group of CSD7 in Para 8 of his summary pointed out that in the absence of proper planning and management, tourism development can encourage the intensive or inappropriate use of land which can lead to deforestation, soil erosion and loss of biological diversity. Ironically, damage to the environment threatens the very viability of the tourism industry because tourism depends heavily on the natural environment. In Para 26 he concluded that in coastal areas where tourism can impose serious environmental damage, the principles of integrated coastal area management should be implemented.

The chairman of the multi-stakeholders segment of CSD7 in his summary E/CN.17/1999/20 reported that in discussing integrated coastal zone management, participants agreed that there were real biophysical limits to capacity in any particular location as well as cultural limits that should be determined at the local level by the local community. In Para 30 he added that in discussing financial responsibility for infrastructure development and other costs associated with sustainable coastal tourism, participants agreed that the level of financial responsibility from industry and other stakeholders should be determined at the local level. In Para 12 of the same summary he stated that a global framework and plan of action for sustainable tourism must be coupled with implementation and decision-making at the local level, as well as at the regional and national levels. The value of Local Agenda 21 as an enabling framework for partnerships was recognised. Local Agenda 21 planning is an established mechanism for facilitating multi-stakeholder cooperation, and can be effectively employed in tourist destinations to promote sustainable tourism practices. Participants noted with appreciation the new Memorandum of Understanding signed by ICLEI and WTTC to integrate the **principles of Agenda 21 for the Travel and Tourism Industry** and **Local Agenda 21** planning to support sustainable development in major tourism destinations around the world.

The decision 7/3 in Para 5(d) invited the international community and relevant stakeholders to promote the application of **integrated planning approaches** to tourism development at the local level, including through encouraging the use of **Local Agenda 21** as a process for planning, implementing and monitoring sustainable tourism development and recognising the potential for integration of **Local Agenda 21 with Agenda 21 for the Travel and Tourism Industry** as well as other such initiatives;

## 24) International Cooperation

Para 67 of the UNGASS resolution A/RES/S-19/2 highlighted that the efforts of developing countries to broaden the traditional concept of tourism to include cultural and eco-tourism **merit special consideration** as well as the **assistance of the international community**, including the **international financial institutions**.

The SG in Para 24 of his report E/CN.17/1999/5 suggested that in view of the projected rapid growth in international tourism, there is a need for concerted international action. If the economic benefits of tourism are to be experienced more widely throughout the world, it is important to **explore ways to increase participation in international travel**, especially by those living in developing countries. Para 50 and 81 of the same report highlighted the importance of appropriate technical and financial assistance to the developing countries. The SG in Para 81 of the same report suggested that The international community has an important role in assisting developing countries through the provision of **financial and technical assistance to governments at all levels**, to develop a range of meaningful and effective planning guidelines, codes of good practice, regulatory frameworks and policy provisions aimed at achieving sustainable tourism.

The ad-hoc working group of CSD7 insists on the need to provide technical and financial assistance to developing countries as a critical means to enable them to develop competitive and sustainable tourism sectors(Para 34 of the summary of chairman). In Para 36 of the same summary the chairman reported that the international community has an important role **to assist** developing countries through **financial and technical assistance to governments at all levels**. The general approach of the international society is described by him in Para 33. He reported that many delegations stressed the need for the international community to promote the recognition of the value of tourism as an economic tool for development, particularly for developing countries, and the fragility of the resources on which it depends and the resulting need for international support to encourage its sustainable development.

The multi-stakeholder segments proposed a mechanism for international cooperation in tourism. In Para 22 of the summary of the chairman of the segment he concluded that promoting broad-based sustainable development through tourism while safeguarding the integrity of local cultures and protecting the environment **requires an effective partnership between key stakeholders** at the **local, national, regional and international levels** and participation at all levels of tourism planning, development and assessment. The need to develop employer-employee partnerships, (including trade unions), with multi-stakeholder support and funding was endorsed. This proposal could be contributed with proposing an international mechanism to deal with the new and emerging needs of the sector. Para 32 of the same summary proposed a financial tool for international cooperation on the field implementation of pilot projects. He reported that the CSD should invite and seek funding from international agencies such as the World Bank and regional development banks for pilot projects in both the North and the South aimed at illustrating best practices of integrated planning.

The Commission considered the issue in Para 5(h) and 5(b) of its decision 7/3 and invited the international community to further develop or support integrated initiatives, preferably through pilot projects, to enhance the diffusion of innovations and to avoid, wherever possible, duplication and waste of resources and to support national efforts by countries and major groups towards sustainable tourism development through;

- Relevant capacity building activities and programmes.
- Multilateral and bilateral financial and technical assistance.
- Appropriate technologies in all aspects of sustainable tourism development, including environmental impact assessment and management and education in the field of tourism.

### **25) Ad-hoc informal open-ended working group on tourism**

The SG in Para 79 of his report on tourism and sustainable development E/CN.17/1999/5 stated that the predicted growth in international tourism raises fresh concerns about the impact of tourism development on the environment. In the absence of adequate measures, it is likely that the projected increase in the volume of international tourism will generate outcomes, such as increases in air, sea and land transportation, which can harm the environment. Thus, the major challenges facing the international community are to deal with the negative transboundary and global impacts of tourism on the environment and to support the efforts of countries, particularly developing countries, to improve the environmental sustainability of their tourism industries at the national level. Therefore, **policy coordination and cooperation at the international level is needed** to address the global environmental impacts of tourism, as well as issues of biological diversity, coastal area management and ecotourism.

The major group in the multi-stockholders dialogue were agreed that multi-stakeholder participation, openness and transparency at all levels are critical in achieving sustainable tourism. There was particular reference to the positive role that workers and trade unions could play through participation in efforts by business to identify and implement sustainability targets. There was agreement that partnership arrangements and multi-stakeholder processes were appropriate means of participation and cooperation among the stakeholders in the tourism sector (Para 10 of the summary report of the chairman E/CN.17/1999/20).

The commission in its decision 7/3 in Para 10 invited the United Nations Secretariat and the World Tourism Organisation, in consultation with major groups and other relevant international organisations, to jointly facilitate **the establishment of an ad hoc informal open-ended working group on tourism** to;

- assess financial leakages;
- determine how to maximise benefits for indigenous and local communities;
- prepare a joint initiative to improve information availability;
- create capacity building for participation;

- address other matters relevant to the implementation of the international work programme on sustainable tourism development.

## **26) Implementation and enforcement of standards and guidelines related to tourism**

The SG in Para 35 of his report E/CN.17/1999/5 stated that the major challenge facing the tourism industry is to contribute to social development objectives through greater compliance with core labour standards, attention to worker welfare and human resource development and more corporate social initiatives. Although governments can and do legislate on matters such as health and safety at work, health insurance and pensions, minimum wages and employment of women and young people, the tourism industry needs to address these issues and take concrete steps, be it in the form of better compliance or voluntary initiatives, to ensure that workers and host communities receive social as well as economic benefits from tourism development. In this regard, the tourism industry needs to ensure that special attention is given to those issues that are specific to or are more pronounced in the tourism sector. Para 49 of the same report highlighted the importance of the Copenhagen summit and stated that **international cooperation** to advance social development objectives in the tourism sector should be built on the foundations established at the World Summit for Social Development and countries' commitments expressed in the **Copenhagen Declaration on Social Development**. The tourism sector, which is forecast to provide rapid growth in productive employment over the next two decades, can be a major contributor to the achievement of many of these goals for social development if it complies with core standards and other standards related to working conditions, occupational safety and health and social security.

The chairman of multi-stakeholders in Para 9 of his summary highlighted that special attention should be given to **implementing existing agreements, codes and regulations** that seek to regulate or eliminate these conditions, such as those produced by the International Labour Organisation (ILO).

The chairman of the high-level segment of CSD7 in Para 9 of his summary reported that **governments** were urged to **ratify** the International Labour Organisation (ILO) agreement to eliminate child sexual exploitation and to rigorously enforce laws that prohibited this. He therefore in Para 10 of the same summary, stated that some participants expressed strong concern about labour practices in relation to the tourism sector and emphasised the importance of ILO work in this connection. Other participants cautioned that there were some differences of view in this area.

In this regard, the commission in its Para 3(k) requested the governments;

- to participate in international and regional processes that address issues relevant to sustainable tourism development;
- to consider the ratification or adoption, and promote the implementation and enforcement, as appropriate, of standards or guidelines relevant to the travel and tourism industry, such as in the labour and health fields;

- to support initiatives, especially through organisations like the International Labour Organisation and the World Health Organisation that would make an early and positive contribution to sustainable tourism development.

In Para 4(g) of 7/3 the commission also called upon the tourism industry to meet or preferably exceed relevant national or international labour standards.

### **27) Development of guiding principles for sustainable tourism development;**

The SG in Para 80 of his report E/CN.17/1999/5 informed that there is ongoing **work to develop global guidelines** on biological diversity and sustainable tourism in the Convention on Biological Diversity, and **principles for the implementation of sustainable tourism in UNEP**. In this regard, the international community has an important role to play in developing a set of internationally recognised reporting standards as well as external monitoring and accreditation systems for assessing the sustainability of tourism services. He added in Para 84 that international organisations, in particular UNEP and the World Tourism Organisation, have been important in promoting action to deal with the environmental impacts of tourism and to promote sustainable tourism. UNEP has developed fruitful partnerships with industry associations at the international level to provide information about and disseminate examples of good environmental practices in particular on codes of conduct and environment management of hotels.

The Commission on Sustainable Development in Para 5(n) invited the international community and relevant major groups to cooperate with the **United Nations Environment Programme** in further **developing guiding principles** for sustainable tourism development.

### **28) International guidelines on tourism activity in sensitive areas**

The SG in Para 81 of his report E/CN.17/1999/5 stated that the international community should support the development of inventories of tourism activities and attractions that take into account **the impact of tourism on ecosystems and biological diversity**. In this regard, **technical and scientific cooperation** should be established through the **clearing-house mechanism of the Convention on Biodiversity**. In Para 57 of the same report he stated that damage to the environment threatens the very viability of the tourism industry because it depends heavily on the natural environment, its beaches and mountains, rivers, forests and biodiversity, as a basic resource. He continued that the attractiveness of certain locations as tourist destinations has been affected by **damage to the natural landscape and the loss of biodiversity** linked to human activities. In Para 58 the positive impact of tourism on protection of biodiversity and environment is discussed where he pointed out that tourism can also significantly contribute to environmental protection, **the conservation of biodiversity** and the **sustainable use of natural resources**. For example, the tourism industry can protect and rehabilitate its natural assets, such as parks, protected areas and cultural and natural sites, by its financial contributions, provision of environmental infrastructure and improved environmental management. In Para 70 of the same

report, it is highlighted that **tourism should be regulated** and, where necessary, **prohibited in ecologically and culturally sensitive areas**. Also, in protected areas and where nature is particularly diverse, vulnerable and attractive, tourism should be permitted only when it meets the requirements of nature protection and biological diversity conservation.

The chairman of the ad-hoc working group of CSD7 in his summary report highlighted that tourism should be regulated and, where necessary, **prohibited in ecologically and culturally sensitive areas**. In protected areas and where nature is particularly diverse, vulnerable and attractive, tourism should be permitted only where it meets the requirements of nature protection and biological diversity conservation. In Para 10 of the same summary mountain tourism is elaborated. It is stated that mountain regions represent a significant portion of the tourism industry. These remote, fragile and highly biodiverse ecosystems are homes to unique cultures and traditions which draw tourists from an increasingly urbanised world. If it is not properly managed, and does not take into account local communities, local control of resources, the integral role of women, equitable distribution of benefits and appropriate infrastructure needs, tourism development in mountain regions threatens to undermine ecosystems and cultures.

The multi-stakeholders segment of CSD7 in Para 19 of the summary of the chairman produced an interesting policy and suggested de-marketing as an appropriate approach for protecting sensitive-overloaded areas. They endorsed de-marketing strategies as a means to protect sensitive or fragile destinations from damage through overloading. Such strategies could include pricing orientation, omission from guidebooks and promotion among consumers of other tourist sites. De-marketing strategies that influence societal values can take place in both originating and destination countries. The Commission in Para 8 of its decision 7/3 invited the Conference of the Parties to the Convention on Biological Diversity to further consider, in the context of the process of the exchange of experiences, existing knowledge and best practice on sustainable tourism development and biological diversity with a view to contributing to international guidelines for activities related to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas, including fragile mountain ecosystems.

### **29) Global Code of Ethics/Code of conducts for tourism**

The SG in Para 51 of his report E/CN.17/1999/5 stated that the international community can enhance and strengthen international coordination and monitoring systems through liaison and networking among Governments, the private sector and concerned parties with a view to promoting the positive aspects and minimising the negative impacts of tourism. In this regard, the Manila Declaration on Social Aspects of Tourism, issued in 1997, will be of great relevance and can provide the basis for international action and cooperation. National Governments, together with the private sector and stakeholders, should be encouraged to work towards the formulation

and eventual adoption of a global code of ethics for tourism as recommended in the Manila Declaration.

The major groups of the multi-stakeholders addressed the issue as reflected in Para 17 of the summary report of the chairman. He reported that there was considerable interest on the part of participants in the **global code of ethics** being developed by the World Tourism Organisation. Multi-stakeholder participation in its development, implementation and monitoring should be encouraged. It was also proposed that a **sustainable tourism covenant**, to be developed with major groups' participation, could promote higher standards of tourist behaviour.

The Commission in Para 6 of its decision invited the World Tourism Organisation to consider informed major groups' participation, as appropriate, in the development, implementation and monitoring of its Global Code of Ethics for Tourism, including those provisions relating to a code of conduct for tourists.

## Appendix V

## Appendix V

### Preparatory Process and Chronology of FfD

The General Assembly in 18<sup>th</sup> December 1997 adopted resolution A/RES/52/179 entitled "Global partnership for development: high-level international intergovernmental consideration of financing for development". And decided, *inter alia*, to consider at its fifty-second session the convening of an international conference on the financing for development, and also decided to create an ad-hoc open-ended working group to work during the fifty-third session of the GA in order to undertake an in-depth examination of all the inputs requested, with a view to formulating a report containing recommendations on the form, scope and agenda of the high-level international intergovernmental consideration of the topic of financing for development.

The ECOSOC high-level segment in its communiqué in 7<sup>th</sup> July 1998 called for promotion of cooperation between multilateral institutions.

On 15<sup>th</sup> December 1998, after the Second Committee debate, the GA adopted resolution A/RES/53/173 entitled "High-level international intergovernmental consideration of financing for development" in which it, *inter-alia*, requested the ad hoc working group to consider appropriate modalities that will ensure the completion of its work and the submission of specific recommendation to the General Assembly at its fifty-fourth session.

After various informal intergovernmental sessions involving the participation of the IMF and World Bank as well as Business and NGO representatives the Ad-Hoc Open Ended Working Group of the General Assembly on Financing for Development in 28<sup>th</sup> May 1999 adopted its report elaborating on scope, agenda and form of the High-Level Event on FfD<sup>55</sup>.

At its fifty-fourth session (1999), the General Assembly adopted resolution A/RES/54/196 in which it, *inter-alia*, "a. Decides to convene a high-level intergovernmental event of political decision makers, at least at the ministerial level, on financing for development,

b. also decides that the high-level intergovernmental event for the year 2001 will address national, international and systemic issues relating to financing for development in a holistic manner in the context of globalisation and interdependence. By so doing, the event will also address development through the perspective of finance. Within this overall context, the event should also address the mobilisation of financial resources for the full implementation of the outcome of major conferences and summits organised during the 1990s by the United Nations and of the Agenda for Development, in particular for poverty eradication;

c. Decides to establish an intergovernmental Preparatory Committee open-ended to all States to carry out the substantive preparations for the high-level intergovernmental event ....

d. Requests the Secretary-General to initiate as soon as possible preliminary consultations with all relevant stakeholders, in particular the World Bank, the International Monetary Fund and the

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<sup>55</sup> A/54/28

World Trade Organisation, on the potential modalities of their participation in both the substantive preparatory process and the high-level intergovernmental event”

After the establishment of the FfD-Coordinating Secretariat and adoption of the preliminary agenda by the Preparatory Committee, the FfD-Coordinating Secretariat convoked five inter-secretariat task forces on the substantive agenda items to prepare sets of policy proposals to be put before the Preparatory Committee. These task forces were chaired by staff from DESA, UNCTAD and the World Bank and involved experts drawn from IMF, WTO, ILO, UNDP, OECD, FSF and other multilateral organisations. The working groups met from July to November 2000 when the final report of the Secretary General containing the 87 proposals was assembled by the FfD-Coordinating Secretariat and other senior officials of the major institutional stakeholders. In this year five regional consultations were also held.

At its fifty-fifth session, the GA adopted a resolution A/RES/55/213 entitled "Preparations for the substantive preparatory process and the high-level international intergovernmental event" in which it inter- alia: Decided that the high-level international intergovernmental event should be scheduled for the first quarter of 2002.

In January 2001, the Report of the Secretary-General to the Preparatory Committee for the High-Level International Intergovernmental Event on Financing for Development issued<sup>56</sup>.

The General Assembly adopted resolution A/ RES/ 55/ 245 A in March 2001 and decided, inter alia, that the International Conference on Financing for Development takes the form of an international conference, under the auspices of the United Nations, at the highest political level, including at the summit level in Monterey, Mexico.

The first Working Paper of the Facilitator, based on the substantive reports presented and discussions held during the second substantive session of the Preparatory Committee, is issued in April 2001 “to serve as a means to further focus the discussion of the substantive preparatory work<sup>57</sup>”.

In June 2001 the High-Level Panel on Financing for Development completed its recommendations to the Secretary General on how to fulfil the finance needs of the world’s developing countries and released its “Recommendations & Technical Report” (Zedillo Report)<sup>58</sup>.

The Council of the European Union met in Brussels on 8 November 2001 and agreed that all EU member countries will increase their efforts to reach the 0.7 target and make progress in this area before the UN - Financing for Development Conference. In the same month a Commonwealth Meeting was held in New York discussing two themes: The preparation for the FfD conference and proposals for facilitating the flow of foreign investment to least developed and vulnerable economies.

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56 A/AC.257/12

57 A/AC.257/24

58 A/55/1000

## **The process of negotiation from first to final session of Monterrey Conference on FfD**

Based on the annex to the decision of the Preparatory Committee for the High-level International Intergovernmental Event on FfD in its resumed organisational session in 31 May to 2 June 2000, the substantive agenda for the preparatory process on addressing systematic issues were as follows<sup>59</sup>;

- Improving global governance: broader participation in decision-making and norm setting, accountability, transparency, regional arrangements, policy coordination for increased and more equitable world economic growth.
- Strengthening the international financial architecture to support development: enhancing financial stability, improving early warning, prevention and response capabilities vis-à-vis financial crises through the enhancement of social safety nets, liquidity issues and lender of last resort.
- Strengthening the role of the United Nations in assisting and complementing the work undertaken in the appropriate international monetary, financial and trade institutions in accordance with their respective mandates, with a view to enhancing coherence and consistency in support of development.

The facilitator of FfD in its first draft outcome in 09/17/2001 on the 'Addressing systematic issues' proposed following suggestions<sup>60</sup>;

As a general guideline, he proposed "We recognise the urgent need to enhance the coherence and consistency of the international monetary, financial and trading systems in support of development. To this end, we underline the importance of reforming the international financial architecture, improving global governance and strengthening the UN leadership role".

On the reform of international financial architecture he pointed out; "progress in the reform of the international financial architecture, though significant, falls short of changes that are needed to ensure adequate support of development and the protection of the most vulnerable countries and social groups from the effects of crises".

For improving global governance he suggested; "Many of the issues at the heart of development financing have to do with the global economic governance and its shortcomings. To better reflect the growth of interdependence and enhance legitimacy, global economic governance needs to change in two areas: more broadly based decision-making on issues of global concern, and filling organisational gaps. To provide political leadership, as well as to complement and consolidate advances in these two areas, the role of the UN must be strengthened.

On the participatory decision-making the suggestion is; " We uphold the principle that all members of the international community have an important role to play in economic decision-making and norm-setting. In this regard, broadening and strengthening the representation and

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<sup>59</sup> A/AC.257/L.2

<sup>60</sup> A/AC.257/25

participation of developing countries in all global economic decision-making and norm setting bodies is essential to ensuring the soundness and legitimacy of agreements and their effective and efficient implementation. Increased consultation with civil society and the business sector is also an important component of these efforts”.

On good governance in international institutions he highlighted “We encourage all relevant international policy-making institutions and forums to deepen their efforts to become more accountable, responsive, and transparent to public concerns, as well as to review their composition and consultation mechanisms so as to ensure fuller and broader participation of developing countries”.

His recommendation on filling organisational gaps is; “ In the interest of increased and more equitable world economic growth, social development, and environmental protection, several gaps in global governance need to be addressed. To this end, we shall; actively pursue a higher level of coordination of the multilateral financial and development institutions, which mobilise all relevant stakeholders, public and private, in support of an enhanced provision of global public goods. Strengthen the WTO, including by enhancing its focus on the priorities of development, and upgrading its institutional relationship with the UN to a similar level to the one already established among the IMF, the World Bank and the UN. Provide the International Labour Organisation with instruments to enforce its agreed standards. Strengthen international cooperation to optimize collectively the benefits of the movement of labour across national borders, including exploring the benefits of an international agreement on the movement of natural persons. Give careful consideration at the World Summit on Sustainable Development, to improving the coordination of the multilateral environmental institutions in support of growth and equitable development. Strengthen the coordination of the multilateral financial and development institutions to more decisively mainstream gender into economic and development policies. Explore, including through a global network of tax authorities, the potential benefits and optimal design of an International Tax Organisation or other tax cooperation forum, taking into account previous efforts in this regard as well as the special needs of developing countries and countries with economies in transition. Promote the role of the UN regional commissions and the regional development banks in supporting the reform of the international financial system, as well as in supporting policy dialogue arrangements among peers on macroeconomic and development issues”.

On the strengthening the UN role the highest priority is given to the reinvigoration of the UN and GA and being committed to “ensuring greater policy coherence and better cooperation among the United Nations, its agencies, the Bretton Woods Institutions and the World Trade Organisation, as well as other multilateral bodies. The goal is to achieve a coordinated approach to the provision of global public goods and the consolidation of a stronger, stable international financial system fully responsive to the requirements of growth and equitable development worldwide”.

The facilitator in Para 58 of the draft outcome suggested that; "To address decisively the global economic governance deficit, we decide to launch open-ended consultations of the General Assembly, with the support of all relevant stakeholders, to explore how to set up, under the aegis of the UN, a world economic body at the highest political level. The role of such a body would be to provide a long-term strategic policy framework to promote economic and social development, to secure consistency in the policy goals of the major international organisations, and to provide political leadership to enhance the coherence and consistency of the international monetary, financial, and trading systems in support of development. The body should be large enough to be representative but small enough to be efficient".

During the second part of third session of the preparatory committee, various delegations requested that their position should be reflected in the text. It shows how international negotiation is formed and how the initial ideas could evolve to new and sometimes different ones. It is worthy to take note of the EU position, for example, on global financial architecture. Belgium, on behalf of the EU stated that; "the main message should be one of greater consistency, coordination and cooperation between providers of funds and their developing country partners and especially between international financial institutions. We do not feel it is appropriate here to decide on reforms of international financial architecture". On the set up a world economic body the EU stressed that; "in the context of the Monterrey Conference, the EU is not in principle in favour of establishing new institutional structures. Reluctance to set up any new structures within the UN system does not mean that existing structures (ECOSOC and the Security Council) cannot play a stronger, more effective role in recognition of political aspects of major development issues. The aim is above all to foster closer cooperation between all international institutions. That caution regarding new institutions also applies to the process for following up the Conference. The EU is wary of the idea of automatic review of the FfD process in 2005 in a new formal intergovernmental setting"<sup>61</sup>.

The Rio group position on more or less the same subjects was as follows;

"The members of the Rio Group agree that it is the responsibility of each country to implement appropriate policies for mobilizing internal resources and attracting external financial flows for development. We are also convinced, however, that a suitable international environment is a key requirement. We therefore hope to promote politically a new international financial architecture that is more stable and functional, that is consistent with the objectives of development and that is endowed with strong financial institutions that are sensitive to the need for anti-cyclical and emergency financing. In this connection, one of the greatest challenges of our Conference is to improve global governance, especially by making adjustments to ensure more equitable

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61 EU position in the Resumed Third Substantive Session of the preparatory committee on FfD, New York, October 15, 2001

participation by all countries in decision-making, and by addressing existing institutional shortcomings<sup>62</sup>.

The consequences of such a challenge are nothing less than the removal or modification of some principle ideas of convening the forum and adjusting the final conclusion to the existing realities. Considering, as follows, the revised facilitator draft outcome which contains mentioned positions and demonstrates the capability of this exercise to achieve its proposed goals.

The facilitator issued the revised draft outcome on 12/06/2001 based on the discussions held during the second part of the third session of the preparatory committee and made the following amendments to the concerned Paragraphs of 'Addressing systemic issues: enhancing the coherence and consistency of the international monetary, financial, and trading systems in support of development'.

The general guideline was amended as follows "to complement national development efforts, the international monetary, financial, and trading systems need to operate coherently and consistently. To contribute to this end, efforts should be strengthened at the national level to enhance coordination among all relevant ministries and other domestic institutions. Similarly, we must take full advantage of international institutions and policy coordination to meet the goals of sustained economic growth, poverty eradication, and sustainable development".

On the reform of international financial architecture it was amended as "Important international efforts are underway to reform the international financial architecture. These need to be sustained. We also underscore our commitment to sound domestic financial sectors, embedded in our national development efforts, as an important component of an international financial architecture supportive of development".

The amendment made on the improving global economic governance is " Good governance at the international level is also essential for sustainable development worldwide. To better reflect the growth of interdependence and enhance legitimacy, global economic governance needs to improve in two areas: broadening the base for decision-making on issues of global concern, and filling organisational gaps. To complement and consolidate advances in these two areas, we must strengthen the UN system, including the World Bank and the IMF".

On participatory decision-making it was amended as "Broadening and strengthening the representation and participation of developing countries in global economic decision-making and norm-setting bodies is essential to ensure the soundness and ownership of agreements, codes, and standards and their effective implementation. Increased consultation with civil society and the business sector is an important component in these efforts, which will also contribute to greater transparency, accountability and responsiveness. To these ends, we welcome further actions to help developing countries build their capacity to promote and defend their interests in multilateral forums".

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62 Chilean position on behalf of the Rio group in resumed third substantive session of the Preparatory Committee for the International Conference on FID, New York, 15 October 2001

On particular recommendations to each institution the outcome was amended to; "A first priority is to find pragmatic and innovative ways to further enhance the effective participation of developing countries in international dialogues and decision-making processes. Within the mandates and means of the respective institutions and forums, we encourage the following actions:

- International Monetary Fund and World Bank: To continue to enhance the role of developing countries in their decision-making and deliberative bodies, taking into account these countries' real economic weight, as well as the need to strengthen the voice of low-income countries.
- World Trade Organisation: To ensure that any steering group is representative of the full WTO membership and participation is based on clear, simple, objective criteria.
- Bank for International Settlements, Basel Committees, and Financial Stability Forum: To enhance their outreach and consultation efforts with developing countries at the regional level and to review their membership, as appropriate, to allow for the adequate participation of developing countries.
- Ad-hoc groupings that make policy recommendations with global repercussions: To strengthen their outreach to developing countries and to enhance compatibility with the work of multilateral institutions with clearly defined and broad-based intergovernmental mandates.

On filling organisational gaps it was amended as; "to address several gaps in global economic governance, we encourage the following actions:

- Strengthen the WTO, by enhancing its capacity to provide technical assistance to developing countries and by upgrading its institutional relationship with the UN to a similar level to that among the IMF, World Bank, and UN, in accordance to UN practices.
- Strengthen the capacity of the International Labour Organisation to implement its agreed standards.
- Strengthen the coordination of the UN system and all other multilateral financial and development institutions, including environmental institutions, to more decisively mainstream gender issues into economic and development policies and support growth and sustainable development worldwide.
- Strengthen international tax cooperation through enhanced dialogue among national tax authorities and greater coordination of the work of the concerned multilateral bodies and relevant regional organisations. In particular, we encourage them to engage in an all-inclusive global intergovernmental network of dialogue and interaction, giving special attention to the needs of developing and transition countries.
- Promote the role of the UN regional commissions and the regional development banks in supporting policy dialogue among peers on macroeconomic, financial, and development issues".

On strengthening the UN role the text changed to the following; "we attach priority to reinvigorating the UN system as a fundamental pillar for the promotion of international

cooperation to make the global economic system work for all. We reaffirm our commitment to enable the General Assembly to play effectively its central role as the chief deliberative, policy-making, and representative organ of the United Nations, and to strengthen further the Economic and Social Council to help it fulfil the role ascribed to it in the UN Charter, including through renewed efforts to reform it”.

At this stage the important and substantive Para 58 as well as the good governance circumstances in international institutions reflected in Para 42 of the first draft outcome is deleted, and major amendments take place in almost all substantive issues on addressing the systematic issues part of draft.

The Monterrey Consensus<sup>63</sup>, as the final outcome of the international conference on Financing for Development, in section F addressed systematic issues and made the following amendments and changes of the revised draft outcome;

The general guideline was amended as follows; “in order to complement national development efforts, we recognise the urgent need to enhance coherence, governance, and consistency of the international monetary, financial and trading systems. To contribute to that end, we underline the importance of continuing to improve global economic governance and to strengthen the United Nations leadership role in promoting development. With the same purpose, efforts should be strengthened at the national level to enhance coordination among all relevant ministries and institutions. Similarly, we should encourage policy and programme coordination of international institutions and coherence at the operational and international levels to meet the Millennium Declaration development goals of sustained economic growth, poverty eradication and sustainable development”.

On the reform of international financial architecture it was changed into; “important international efforts are under way to reform the international financial architecture. Those efforts need to be sustained with greater transparency and the effective participation of developing countries and countries with economies in transition. One major objective of the reform is to enhance financing for development and poverty eradication. We also underscore our commitment to sound domestic financial sectors, which make a vital contribution to national development efforts, as an important component of an international financial architecture that is supportive of development”.

Improving global economic governance was amended as follows; “good governance at all levels is also essential for sustained economic growth, poverty eradication and sustainable development worldwide. To better reflect the growth of interdependence and enhance legitimacy, economic governance needs to develop in two areas: broadening the base for decision-making on issues of development concern and filling organisational gaps. To complement and consolidate advances in those two areas, we must strengthen the United Nations system and other multilateral institutions. We encourage all international organisations to seek to continually improve their operations and interactions”.

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63 A/CONF.198/11

The participatory decision-making changes to; "we stress the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm setting. To those ends, we also welcome further actions to help developing countries and countries with economies in transition to build their capacity to participate effectively in multilateral forums".

particular recommendations to each institution is amended as; "a first priority is to find pragmatic and innovative ways to further enhance the effective participation of developing countries and countries with economies in transition in international dialogues and decision-making processes. Within the mandates and means of the respective institutions and forums, we encourage the following actions:

- International Monetary Fund and World Bank: to continue to enhance participation of all developing countries and countries with economies in transition in their decision-making, and thereby to strengthen the international dialogue and the work of those institutions as they address the development needs and concerns of these countries;
- World Trade Organisation: to ensure that any consultation is representative of its full membership and that participation is based on clear, simple and objective criteria;
- Bank for International Settlements, Basel Committees and Financial Stability Forum: to continue enhancing their outreach and consultation efforts with developing countries and countries with economies in transition at the regional level, and to review their membership, as appropriate, to allow for adequate participation;
- Ad hoc groupings that make policy recommendations with global implications: to continue to improve their outreach to non-member countries and to enhance collaboration with the multilateral institutions with clearly defined and broad-based intergovernmental mandates".
- On filling organisational gaps the text is changed to the following; "to strengthen the effectiveness of the global economic system's support for development, we encourage the following actions:
  - Improve the relationship between the United Nations and the World Trade Organisation for development, and strengthen their capacity to provide technical assistance to all countries in need of such assistance;
  - Support the International Labour Organisation and encourage its ongoing work on the social dimension of globalisation;
  - Strengthen the coordination of the United Nations system and all other multilateral financial, trade and development institutions to support economic growth, poverty eradication and sustainable development worldwide;
  - Mainstream the gender perspective into development policies at all levels and in all sectors;
  - Strengthen international tax cooperation, through enhanced dialogue among national tax authorities and greater coordination of the work of the concerned multilateral bodies and

relevant regional organisations, giving special attention to the needs of developing countries and countries with economies in transition;

- Promote the role of the regional commissions and the regional development banks in supporting policy dialogue among countries at the regional level on macroeconomic, financial, trade and development issues’.

In the final stage of negotiations, in addition to the deletion of ‘set up a world economic body’ and ‘the good governance circumstances in international institutions’, the idea of ‘the strengthening the UN system and enabling its GA to make the global economic system work for all’ is totally removed.

## Appendix VI

## Appendix VI

### Chronology and the Negotiation Process of IEG

#### The First Meeting of Open ended Intergovernmental Group (IGM)

Based on international demand such the above as well as the Malmo Ministerial Declaration and GA resolution 53/242 of July 1999, the UNEP Governing Council in its 21<sup>st</sup> meeting approved decision 21/21 of the February 9<sup>th</sup>, 2001.

In this decision the UNEP council “ Decides to establish an open-ended intergovernmental group of ministers or their representatives(IGM), with the Executive Director as an ex-officio member, to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international environmental governance, including the financing of the UNEP, with a view to presenting a report containing analysis and options to the next session of the Governing Council/Global Ministerial Environment Forum (GC/GMEF)” and “ Requests the Executive Director, in consultation with Governments to review the state of international environmental governance and elaborate a report to be submitted to the intergovernmental group at its first meeting”<sup>64</sup>. It is decided that the next meeting of the GC/GMEF should undertake an in depth discussion of the report with a view to providing its input on future requirements of international environmental governance in the broader context of multilateral efforts for sustainable development to CSD10 as a preparatory body of WSSD.

The first open-ended intergovernmental group of ministers or their representatives on IEG was held in New York on 18 April 2001.

The executive secretary of the UNEP in his report to the first IGM/IEG meeting highlighted that “The environmental problems of today can no longer be treated in isolation, but are inextricably linked to social demands, demographic pressures and poverty in developing countries, counter posed against excessive and wasteful consumption in developed countries. A new model of international environmental governance must be predicated on the need for sustainable development that meets the interrelated social, economic and environmental requirements and must command credible universal commitment and ownership on the part of all stakeholders, an undisputed authoritative basis and adequate, stable and predictable funding<sup>65</sup>”. He added that any new institutional structure has to address the current deficiencies in the coordination of policy, the capacity building, the transfer of environmentally sound technologies and a corresponding set of financial strategies as well as guarantees to meet these requirements. However, any enhanced international strategy or structure requires a commitment by developed countries to additional responsibilities.

He pointed out the strength and weaknesses of existing ‘institutional architecture’ in this report.

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<sup>64</sup> 21st meeting of the UNEP Governing Council decision 21/21, February 9th, 2001

<sup>65</sup> UNEP/IGM/1/2 of 4th April 2001

Some of the points of strength of the existing institutional architecture, as the Executive Secretary of UNEP described in his report are;

- Institutional development has accelerated since the Rio Summit at the local, national and international levels, within and amongst governmental bodies, organisations and other institutional arrangements, within and outside of the UN system. These bodies now address sectoral and global environmental issues.
- In addition to legally binding instruments, numerous non-binding international instruments have been developed to provide norms, principles, procedures, guidelines and codes of conduct to address environmental issues.
- National environmental legislation and related institutional arrangements have been developed globally to provide a sound basis for addressing the major environmental threats.
- Consultation and negotiation forums have taken place such as the Global Ministerial Environment Forum, to develop global and regional environmental agreements for catalytic actions to support the activities of governments and coordinate those of relevant organisations.
- Global governance in sectoral environmental issues is developed in some areas.
- The sustainable management of shared resources is feasible now as a central mechanism for international cooperation.
- International environmental law has witnessed a remarkable development. Negotiation on a new treaty is now faster and on a global scale with more participants.

According to the Executive Secretary weaknesses are;

- There is a need to move toward a coherent and integrated management framework that addresses individual challenges in the context of the global ecosystem. A traditional "issue-by-issue" problem-solving approach in the management of international environmental issues belongs to a different age and new and stronger arrangements and approaches are required to deal with global environmental issues.
- The existing institutional machinery remains fragmented, often with vague mandates, inadequate resources and marginal political support and can not adequately address current and future needs.
- The developments of a large number of multilateral agreements on the environment has resulted in a diversified body of rules and are placing stress on current systems and the ability to manage them. It carries the risk of reduced participation by States due to a limited capacity and weak support has left institutions less effective than they could be.
- Current economic governance structures should make rules to enhance the capability of environmental and social instruments.
- Inadequate attention is paid to the harmonisation of national reporting.
- There is reluctance on the part of some agreements to cooperate with others.

- There is inadequate implementation, coordination, compliance and enforcement at the national level and environmental and performance indicators for measuring the effectiveness of an agreement are lacking.
- Funding for some agreements is clearly insufficient to address mounting demands. The lack of financial and technical resources to enable developing countries to prepare for, participate in and implement international agreements is a matter of serious concern.
- International dispute settlement mechanisms are weak. The potential conflict between environmental regulation and the trade regime is often cited as a concern.
- There is a need for enhanced coordination between different environmental organisations and structures and multilateral environmental agreements.
- Competing for scarce funds and political commitment, existing institutions are frequently torn between competing priorities which are driven by overlapping and unfocused demands.
- International governance structures like, international trade policy must have the capacity to shape national policy. It could be effective only if it is integrated into local, national and regional governance structures.
- Environmental good governance requires the participation of all sectors of society.
- It is important that international environmental agreements have mechanisms which encourage compliance at the national level, and that economic imperatives are not given automatic precedence over environmental and social exigencies without a clear assessment of costs and benefits.
- Decision-making mechanisms need to operate with a fuller understanding of the linkages amongst the society concerns, the economy and the environment.
- An effective international environmental governance structure needs to enable, support and encourage policy-making and decision-making, leading to an effective response to environmental management needs which require such a response at the global level.
- The need to strengthen the existing international environmental institutional structure in relation to assessment and problem identification.
- National authorities possess neither the political influence nor the resources necessary to implement sustainable development strategies across all areas of government activity; and the same problem is repeated amongst international institutions.

As a general conclusion the existing weaknesses of international environmental governance are; inadequate and fragmented institutional arrangements, inadequate policy coordination, inadequate mechanisms to translate the existing commitment to the action and inadequate resources.

Another important issue highlighted by the IEG is the source of financing for global environments. Financial resources, their availability, predictability, stability and adequacy have a major role in global environmental governance. A variety of environmental financial sources are available including official development assistance(ODA); multilateral financial flows associated with multilateral organisations such as the IMF, multilateral environmental agreements and multilateral

financial mechanisms such as GEF; debt relief; private capital flows; non-traditional sources of financing such as taxes on carbon emissions, air transport and foreign exchange transactions; financing via the non-governmental sector; and domestic flows of capital.

Most countries have still not met the accepted United Nations target of 0.7 per cent of Gross National Product for official development assistance. As an example, in 1998 which was a good year for ODA, availability and aid flows rose by US\$ 3.2 billion, only 8.9 per cent of the real commitment of US\$ 52.5 billion was reached (UNEP). According to the World Bank, net flows from multilateral institutions including the International Monetary Fund were at their lowest level in the 1990s<sup>66</sup>. However, within available funds the actual contribution allocated to environmental purposes directly is not apparent.

Some innovative financial mechanisms including GEF, the UN Convention on Combating Desertification (UNCCD) and the Multilateral Fund for the Implementation of the Montreal Protocol were designed as new and additional sources to support the flow of financial resources to developing countries while not acting as a substitute for ODA and the required assistance expected from development countries. Such innovative mechanisms are not available as sources of funding for all multilateral environmental agreements. Their fund is used to support the cost of maintaining their secretariats and other mandatory operations and activities.

Debt-for-nature swaps are a tool that has been used to pay off developing country debt in return for the setting aside of an ecologically sensitive area for protection. According to the report many swaps have, however, been implemented without regard to the needs of populations living within the selected areas, and more effective public involvement is needed, in addition to efforts to address the challenges relating to design and implementation of such swaps.

In developing countries private flows were concentrated in a few emerging market economies, with five countries receiving more than half (56 per cent) of such flows. Private foreign capital is now considered a major source of finance for development investment, but only for a few advanced developing countries. Many poorer countries that do not have significant raw material resources are excluded. Private capital is also concentrated on a few sectors, especially mining, industry and services like telecommunications and tourism (UNEP).

The Executive director of UNEP in his report to IEG made the following proposal on the reform of existing international environmental governance<sup>67</sup>.

“A new model of international environmental governance must be predicated on the need for sustainable development that meets social, economic and environmental requirements. The environmental problems of today can no longer be dealt with in isolation. Any approach to strengthening and streamlining international environmental governance will need to respond to the following:

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66 UNEP/IGM/1/2 of 4th April 2001

67 UNEP/IGM/1/2, final part

(a) Credibility – reformed institutional structures must command the universal commitment of all States, based on transparency, fairness and confidence in an independent substantive capacity to advise and adjudicate on environmental issues;

(b) Authority – reform must address the development of an institutional mandate that is not challenged. This should provide the basis for a more effective exercise of authority in coordinating environmental activities within the United Nations.

(c) Financing – adequate financial resources linked to broader development cooperation objectives must be provided. Despite several intergovernmental decisions to strengthen UNEP and provide it with “adequate, stable and predictable” financing, the level of the Environment Fund remains at approximately \$50 million per annum despite expanding mandates. Such a situation is not sustainable in the long run;

(d) Participation of all actors - given the importance of the environmental consequences of the actions of major groups, ways must be found to incorporate their views in decision-making’.

Options for strengthening international environmental governance have been put forward; (a) at the level of organisational structures and (b) at the level of multilateral environmental agreements.

At the organisational level the report suggested;

- Integrating environmental considerations into existing international financial, trade, technical and development organisations.
- Developing common environmental guidelines for export credit agencies.
- Establishing a counterpart environmental body to WTO.
- Upgrading UNEP from a United Nations programme to a specialised agency.
- Utilisation of the General Assembly or ECOSOC in a more comprehensive institutional manner.
- Establishing a new World Environment Organisation.
- Transforming the Trusteeship Council, one of the six principal organs of the UN, into the chief forum for global environmental matters and administration of multilateral environmental agreements, with the CSD reporting to an Economic Security Council, rather than ECOSOC.
- Consolidation between UNDP and UNEP.
- Broadening the mandate of GEF to make it the financial mechanism of all global environmental agreements and link it more closely with UNEP to ensure coherence between policy and financing;
- Raising the profile of CSD to integrate the three "pillars" - environmental, social and economic - with greater involvement alongside GEF and the other programmes.
- Establishing a new environmental court.
- Improvement of UNEP’s coordinating role to harmonise schedules, assessments, actions and strategies on a thematic basis;

- benefiting from the Global Ministerial Environment Forum for setting broad policy guidelines for international action on the environment;
- establishing a dispute settlement scheme for trade-related environmental issues.
- Inclusion of UNEP in the United Nations Development Group;
- Establishing of a United Nations Environment Group,

At the level of multilateral environmental agreements the following options were proposed by the report;

- Co-location of secretariats of agreements as a mean of coordination.
- Development of umbrella conventions as a mean of coordination.
- Utilisation of just one scientific body to address the scientific or thematic assessment needs of agreements.
- Use of a Global Ministerial Environment Forum to clarify the main cooperation principles amongst the various agreements
- Establishment of an authoritative body that has the capacity to verify the information that governments are to supply.
- Reinforcement of surveillance mechanisms to monitor the implementation of agreements.
- Adoption of a centralised reporting process for the different agreements;
- Encourage countries to ratify the agreements and take action to make some agreements enforceable for non-signatories, by Conferences of Parties.
- Identification of the precise role of technology transfer as an incentive;
- Additional financing for improving compliance.
- Extension to the global level of the Århus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters or basic standards for transparency and participation;
- Drafting of a legal instrument on economic instruments which, while being common to the various agreements, would be specific for each issue;
- Drafting of a framework convention on economic instruments to promote the implementation of all multilateral environmental agreements.
- Revision of the environmental exceptions to WTO rules to clarify that trade measures taken in pursuance of multilateral environmental agreements are protected at challenge at the international trade organisations;
- Establishment of a complaints system with defined roles for the secretariats of environmental agreements.
- Establishment of an environmental ombudsman or a centre for amicable settlement of disputes.
- Implementation of common regulations on the subject of environmental liability.
- Institution of sanctions and penalties for non-jurisdictional aspects.

The first meeting of the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance discussed the report of ED of UNEP and the results are reflected in the report of the chair of session<sup>68</sup> as follows;

- Participants expressed the view that there was the need for a better definition of international environmental governance. The process should be evolutionary in nature, rather than revolutionary;
- In line with Governing Council decision 21/21, the process of international environmental governance should be seen within the broad context of sustainable development;
- The series of meetings concerning international environmental governance should lead to comprehensive inputs to be incorporated in the preparations for the WSSD and presented for consideration by the Summit itself;
- There was a need for further analysis of the present shortcomings at the international level. More time was required to study and reflect on the content of the Executive Director's report. Governments might present their reactions in writing;
- Certain points went beyond the mandate of environment ministers, and therefore required the involvement of other branches of government;
- Consensus emerged on the need to strengthen the UNEP and ensure enhanced, more reliable and more predictable funding for it;
- Dispersed headquarters of secretariats and meeting venues imposed increasing costs and efforts on all countries, particularly developing countries, whose involvement and participation must be facilitated;
- Prudence was recommended while considering institutional changes and a preference for better use of existing structures was suggested, as well as coordination of multilateral environmental agreements at the levels of secretariats and bureaux. Clustering of agreements acting in similar fields was also flagged for further consideration;
- There was general support for the effective participation of stakeholders (other than governments) in the process and the need to facilitate adequate representation of the civil society of developing countries;
- It was important to ensure that developing countries were present and effectively participating in the process of international environmental governance. An all-inclusive, transparent process should be ensured.

It would be interesting to examine how international experts within an academic atmosphere react to the substantial reform suggestions on the IEG. To this end, Cambridge consultation was selected, amongst various meeting regarding the IEG, to study the evolution and development of Ideas in the international environmental negotiations. Pursuant to decision 21/21 of the UNEP Governing Council, UNEP organised Expert Consultations on International Environmental Governance in Cambridge, United Kingdom, from 28-29 May 2001 to discuss the main issues

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68 UNEP/IGM/1/3 of 21 May 2001

raised in the first round of negotiation on IEG and the report of the Executive General of UNEP. Although the meeting did not produce a consensus position, the chairman's summary highlighted the main suggestions of the meeting as follows<sup>69</sup>;

- IEG could bring about changes in a number of organisations within the UN system but that, it would be very difficult to undertake measures that would affect the UN Charter and the main organs of the UN established by the UN Charter, like ECOSOC, UNGA, and the Trusteeship Council.
- Establishing UNEP as a specialised agency at this stage, as a result of decisions taken at the WSSD, was at best premature, and even in the long run this may be neither practical nor desirable.
- The role and voice of UNEP in IEG should be strengthened. In the course of IEG discussions and for further decisions about legal and financial implications, the UNEP's programme functions should be further defined.
- Clustering of Multilateral Environmental Conventions was considered as a possibility to enhance sustainable development governance and clustering certain implementation functions was also deemed a promising independent possibility.
- A "clustering" approach to MEAs is supported as a way to achieve effectiveness and coherence, in particular to exploit synergies, capture linkages and avoid conflicting decisions.
- One approach to clustering could be to group MEAs into issue clusters, such as atmosphere, chemicals, biological diversity, fresh water resources and oceans. Another additional approach could be developed on a functional basis concentrating on the implementation of certain functions of MEAs, such as capacity building, scientific assessment, administrative management functions and common reporting as appropriate.
- Clear criteria is required on clustering based on an assessment of current weakness as well as considering the differences among conventions in terms of scope, participation and reporting. Clustering approach should be tailored in a multi-layered way and a short step could be considering the regional clustering approach.
- There were differing positions on co-location.
- Recognising that international environmental governance directly relates to sustainable development. In this context, the multilateral environmental agreements (MEAs) should be seen as instruments for achieving the goals of sustainable development.
- On coordination, strengthening the mandate and guidelines of the EMG as a means to improve coordinated programme development is suggested.
- Strengthening the involvement of stakeholders in an IEG organisation is important.
- On finance, current voluntary arrangements for UNEP environment fund are inadequate and fall far short of the requirement needed to implement the mandate of UNEP.

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69 Chairman's summary, Expert consultation on IEG, Cambridge 28-29 May 2001, more information on <http://www.unep.org/IEG/WorkingDocuments.asp>

- The need for direct financial support from the UN regular budget to meet the costs for the administration of the UNEP Secretariat.
- The clear trend towards directing the financing for environment increasingly through the GEF and the need for more transparency in the GEF decision-making process.
- The need to address two distinct financial requirements: the implementation of a sustainable development agenda and the operation of international environmental institutions, in particular UNEP.
- Regarding the need and requirements for operations of international environmental institutions, predictable and sustainable financing remains a precondition for meeting expectations. Such predictability could be achieved inter alia by sanctioning an adequate budget and establishing a system of indicative assessed contributions for all member States, possibly following the UN scale of assessment as it is already implemented for trust funds of certain MEAs.

### **Second Meeting of Open ended Intergovernmental Group (IGM)**

The second meeting of the open ended intergovernmental group of ministers on IEG was held in Bonn, Germany, on 17 July 2001. The major points highlighted by the meeting included interest in some form of MEA clustering and the need for stable funding for UNEP, possibly through the use of the UN system of assessed contributions.

The third meeting took place in Algiers, Algeria, from 9-10 September 2001. This session considered the inputs of two consultative civil society organisation meetings and the UNEP's Committee of Permanent Representatives (CPR)<sup>70</sup>.

The Algiers meeting considered a revised list of proposals on options and elements for the IEG process, and decided to add two "building blocks" of proposals, on sustainable development, and on capacity building and technology transfer, respectively. The session debated coordination of domestic implementation of MEAs to support coordination at the international level; clustering at the functional and regional levels in the medium term; and improving the co-hosting of Conferences of the Parties with related agendas. Participants agreed that the Global minister of environment Forum (GMEF) should constitute the cornerstone of the institutional structure of international environmental governance. There was a consensus on the strengthening of the UNEP role<sup>71</sup>. On the November 30<sup>th</sup> till the first of December the fourth meeting of IEG was held in Montreal and led to a draft proposal<sup>72</sup> for further consideration at a fifth meeting of IEG in New York on 25 January 2002. This report was amended on 16 of January based on the input of the concerned parties.

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<sup>70</sup>UNEP/IGM/2/2, and UNEP/IGM/2/3

<sup>71</sup> UNEP/IGM/3/3

<sup>72</sup> UNEP/IGM/4/6

## Follow up Meeting of Open ended Intergovernmental Group (IGM)

Based on the draft report of the president of the UNEP GC<sup>73</sup> the main conclusions of the three sessions of the IEG consultation meetings may be characterised as follows:

- The IEG process encompasses all international environmental efforts and arrangements within the United Nations system, including at the regional level, is not restricted to UNEP and should be evolutionary in nature. A prudent approach to institutional change is required, with preference given to making better use of existing structures. It should be based on common but differentiated responsibility and take into account the needs and constraints of developing countries.
- The IEG should be viewed within the broader context of sustainable development and not only as an item in the mandate of environment Ministries alone. The design and implementation of environmental policy at all levels requires a clear link to the sustainable development context as well as greater involvement of all stakeholders.
- The increasing complexity and impact of trends in environmental degradation require an enhanced capacity for scientific assessment and monitoring and for provision of early warnings to Governments;
- The strengthening and support of the capacity building and technology transfer in developing countries, and the role of the UNEP in this regard is emphasised.
- UNEP should be strengthened. This requires a clear solution to the issue of adequate, stable and predictable financing and the UNEP Headquarters in Nairobi must be maintained and strengthened as a centre for international meetings on the environment
- The Global Ministerial Environment Forum should be placed as the cornerstone of the international institutional structure of international environmental governance;
- The proliferation of institutional arrangements, meetings and agendas is weakens policy coherence and synergy and increases the negative impact of limited resources;
- The clustering approach to multilateral environmental agreements holds some promise, and issues relating to the location of secretariats, meeting agendas and also programmatic cooperation between such bodies and with UNEP should be addressed.

The fourth meeting was held in Montreal, Canada, on 30 November and 1 December 2001. Meanwhile the President of the UNEP Governing Council distributed his revised proposals and invited delegates to consider it during the session. The main points of the President's proposal are as follows;

- Improving coherence in policy-making, that is the role and structure of the GMEF;
- Strengthening the role, authority, and financial situation of UNEP;
- Improved coordination and coherence between MEAs;

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73 UNEP/IGM/5/2 of 16 January 2002

- Capacity building, technology transfer and country-level coordination for environment and sustainable development;
- Enhanced coordination across the United Nations system, specifically the role of the EMG.

Participants also considered a number of papers tabled by participating countries and had debates in three working groups. Working Group I discussed the role and structure of the GMEF, Working Group II addressed improved coherence and coordination among MEAs, the role of the EMG and capacity building, technology transfer and country level coordination for the environmental pillar of sustainable development. Working Group III focused on strengthening the financial situation of the UNEP. The president of UNEP GC and the chair of the meeting considered the reactions of delegations on the revised proposal and the out put of working groups and compared them to the outcome of the Montreal meeting. The outcome makes substantial progress in reaching agreement on the recommendations contain in the report of UNEP/IGM/5/2 of 16 January 2002.

These recommendations of IEG to Global Ministerial Environmental Forum of UNEP are summarised below;

D) On the improvement of international environmental policy making and the role and structure of the Global Ministerial Environment Forum (GMEF) the main recommendation are;

- The need for a high level forum for policy dialogue is highlighted and, in this regard, utilising the Governing Council/Global Ministerial Environment Forum (GC/GMEF) more effectively both in promoting international cooperation in the field of the environment and in providing broad overarching policy advice, while respecting the individual legal status and governance structures of other entities. The role of the UNEP is based on GA Resolution 2997. The UNEP Governing Council and the GMEF constitute one intergovernmental policy body as envisaged in Para 6 of G A Resolution 53/242. Broad participation of member states of the United Nations and its specialised agencies in the work of the GC/GMEF allowing for universal participation in global environmental decision-making and enhancing the authoritative basis for its decisions. Such an approach should be facilitated and encouraged.
- The GC/GMEF as an overarching environment policy forum requires a clearer definition of its relationship with autonomous decision-making bodies such as Conferences of the Parties (COPs) to multilateral environmental agreements. This could be achieved by establishing a new understanding of the relationship among the relevant bodies and would provide the GC/GMEF with the capacity to review the overall development of environmental policy within the United Nations system. The GC/GMEF should consider an appropriate mechanism to provide states with stakeholders' views including NGO's.
- The GC/GMEF should institute a regular dialogue with multilateral financial institutions, including the GEF, to address the apparent disconnection between policy and funding. It should play a stronger environmental policy advisory role and strengthen the UNEP's efforts to enhance its relationship with the GEF through the Action Plan between GEF activities and its programme of work.

- The mandate of GC/GMEF should be to concentrate on policy issues, to take policy decisions, to set priorities, to provide broad direction and advice, to oversee of the programme of work and budget of UNEP, to review reports on the follow-up of its previous decisions and the establishment of an inter-governmental panel for the assessment of global environmental change and its consequences for social and economic development, it should focus on one or two selected sectoral-environmental related issues on an annual basis, addressing cross cutting issues and synergies and linkages with MEAs , reviewing reports of the Environment Management Group (EMG), giving policy guidance and advice by making recommendations for consideration by COPs of MEAs, and negotiation and adoption of the biennial Programme of Work and Budget of UNEP and review of its implementation.

II) On the strengthening the role, authority, and financial situation of UNEP, the recommendations are;

- While UNEP is the centrepiece of the international community's efforts to safeguard the environment, its role continues to fall short of the expectations expressed in the 1997 Nairobi Declaration primarily because UNEP remains hampered by insufficient and unpredictable resources and by the lack of a clear framework for coordinating, and authority to coordinate the environmental activities within the United Nations system. UNEP must have a stable adequate and predictable funding system.
- Converting the UNEP into a UN specialised agency financed through a system of binding assessed contributions would require the negotiation and ratification of a new charter for UNEP, and a clear definition of its areas of jurisdiction.
- The establishment of a system of negotiated or "voluntary agreed" scale of assessments for the Environment Fund based on the UN scale of assessment and possibly of multi-year pledges to enhance predictability and complemented by voluntary contributions, for particular initiatives, from states and the private sector.
- Making a distinction between "administrative" costs and "programme/operational" costs. The latter would be funded from the Environment Fund, whereas "administrative" costs would be borne by the UN Regular Budget.
- Capacity building on developing independent and authoritative scientific assessment and monitoring capacity for emerging issues and the "means of implementation".
- The establishment of a UNEP/GEF strategic partnership as an important method for achieving complementarity based on the UNEP/GEF approved complementarity action plan.

III) On the improvement of coordination and coherence between multilateral environmental agreements, the main recommendations are;

- The negative impact of the increasing burdens on governments' ability to participate meaningfully in the proliferating meetings and agendas of multilateral environmental agreements has been underscored as a major constraint to effective international policy-making. An option could be enhancing the synergies and linkages between MEAs with

comparable areas of focus or of a regional character. UNEP should continue, in close cooperation with the secretariats of the MEAs, to enhance such synergies and linkages including on issues related to scientific assessments and overlap.

- While taking fully into account the autonomous decision-making authority of the COPs, considerable benefits could accrue from a more coordinated approach to areas such as scheduling and frequency of meetings of the COPs; reporting; scientific assessment, capacity building, transfer of technology; and, to enhance the capacities of developing countries to implement and review progress on a collective and regular basis. Careful consideration should be given to the effectiveness and resource efficiency of establishing additional subsidiary institutions of COPs, and the co-location of future MEA secretariats should be encouraged.

IV) On the capacity building, technology transfer and country-level coordination for the environment pillar of sustainable development, the main recommendations are;

- The strengthening of national institutions at a national level and in particular the ministries of environment in developing countries as an important aspect of capacity building. Arrangements for the transfer of environmentally sound technologies should also be considered.
- IEG should encompass regional efforts and arrangements for governance. UNEP could provide support to the strengthening of regional environmental governance to improve coordination, implementation, capacity building and technology transfer.
- A strengthened programme of capacity building should be clearly defined in the work of UNEP, and in the context of pursuing the strategic partnership with GEF and in close cooperation with other relevant UN organisations, in particular the UNDP.
- In this regard an inter-governmental strategic plan for implementation support could be developed and the modalities should be elaborated. It could be implemented through a strategic partnership between UNEP and other relevant bodies, including the GEF and the UNDP. It could include a role for UNEP in country-level delivery capacity, in particular in collaboration with UNDP, and capacity building and training of the national institutions responsible for environment and the implementation of multilateral environmental agreements and national-level coordination of environmental and sustainable development objectives.
- Any strategic partnership between UNEP and GEF should be based on a strengthened role of UNEP acting as one of the three GEF implementing agencies, as well as on a special relationship with UNDP.

V) On the enhancement of coordination across the UN system and the role of the Environmental Management Group, the main recommendations are;

- Enhancing coordination within the United Nations system and emphasis on the role of the Environmental Management Group (EMG). The EMG was established following the adoption of General Assembly resolution 53/242, and includes amongst its members the specialised agencies, funds and programmes of the United Nations system and the secretariats of

multilateral environmental agreements. It follows an issue-management approach whereby issue-management groups are established within the organisations in order to address specific issues identified by the Environmental Management Group within an established time frame. There is a need to ensure that the functionality of the Environmental Management Group as envisaged by resolution 53/242 should be realised as soon as possible.

- EMG could be seen as an instrument at the inter-agency level to enhance policy coordination across the activities of the United Nations system and could be charged with reporting annually to the Forum as well as on specific issues arising from the work of the United Nations system in the environmental area.
- UNEP as a member of EMG could join the United Nations Development Group (UNGD) to provide potential for mainstreaming the environment into relevant activities of the UN system and brings together the operational agencies of the UN in the economic and social fields. The EMG members could be used to support the implementation of the strategic partnership between the UNEP and other relevant bodies, including UNDP and GEF, for capacity building.
- The efficient functioning of the EMG would require a clear relation with intergovernmental processes including with the GC/GMEF and the CSD. It needs senior-level participation, transparency, adequate resources, and a redefined mandate as well as the possibility of financial support for specific activities, including a coordinated approach to capacity building.

The chairman of the Inter-Governmental Group of Ministers (IEG) in the fifth round of IGM/IEG meetings<sup>74</sup> explained that he had attempted to incorporate all views expressed at the Montreal IGM/IEG and, in the search for a consensus document, had amended the contents so as to reflect the views in a constructive manner, rather than leaving disagreed suggestions in to the bracketed format. He stressed the importance of receiving the views of the New York based delegations, as well of the linkage of the IEG process with the WSSD preparations. He made clear that all views expressed would be compiled in a report and tabled in Cartagena, Colombia, on 12 February 2002 at the final IGM meeting.

### **Final Meeting of Open ended Intergovernmental Group (IGM)**

The final meeting of the IGM was opened on 12 February 2002. The objective of the meeting was to agree on recommendations on IEG for submission to the GCSS-7/GMEF-3 on 13 February based on the chair draft recommendations contained in a Draft Report (UNEP/IGM/5/2). The chairman proposed establishing two working group. Working Group I addressed: improved international environmental policy making including the role and structure of the GMEF; strengthening the role, authority and financial situation of UNEP; and enhanced coordination across the UN, and the role of the EMG. Working Group II addressed improved coordination and

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<sup>74</sup> UNEP/IGM/5/SS/3 6

coherence between MEAs; capacity building, technology transfer and country-level coordination for the environment pillar of sustainable development; and future perspective. There were consensus on some issues while in many substantive issues in both working groups the agreement was diverse. The problem areas included the membership of the GMEF, a strategy to fund UNEP, co-location of MEA secretariats and compliance and monitoring of MEA implementation on which there was ultimately no agreement. Thus, the IGM presented its report to the ministerial consultation of the 7<sup>th</sup> Special Session of the Governing Council (GCSS-7) and Third Global Ministerial Environment Forum (GMEF-3) on 13 February in Cartagena. The GCSS-7 established a committee of whole to deal with remaining issues including the IEG and UNEP's contribution to the WSSD. The committee of whole finally proposed to draft a communiqué for transmission to the WSSD and its preparatory process, but this was never prepared.

To understand the nature and development of debates in Cartagena it would be interesting to consider and review the positions of the same delegates in Informal Ministerial-level Consultations on IEG during GCSS-7.

On a high-level forum for policy dialogue, the US objected to language taking the GC/GMEF in the direction of a world environment organisation. On universal membership, the African Group and the G-77/ China agreed that the question should be taken up and considered in the broader context of the WSSD preparatory process. The US described a paragraph on clarifying the relationship between the GC/GMEF and COP/MEAs as a recipe for disaster. On proposals to convert UNEP into a specialised agency, the G-77/China, the US and the Russian Federation objected. On capacity building and technology transfer, the EU and the US suggested deleting language stating that technology transfer is a prerequisite for environmental protection. The G-77/China stressed that the GEF-UNEP partnership should not affect the GEF's focus areas. It was agreed that UNEP's role as one of the GEF's three implementing agencies should be fostered.

On GMEF policy advice, guidance and recommendations, the G-77/ China made a number of proposals to ensure that these apply "within the UN system." The EU objected that the amendments would prevent the GC/GMEF from making recommendations to organisations such as the GEF and the World Bank. The G-77/China, challenged by the EU, cited General Assembly resolution 2997 (XXVII) on UNEP's mandate, and argued that the programme was mandated only to make recommendations and provide policy guidance within the UN system. He suggested that a future world environment organisation established as a separate legal entity might provide guidance to other bodies outside the UN system. The UNEP Secretariat reminded delegations that the WTO and the World Bank were involved at the highest levels of coordination activity at the United Nations and thus formed part of the broader UN system. Delegations agreed to cite General Assembly resolution 2997 (XXVII) paragraphs 2(a) and (b) on the UNEP mandate.

In a related debate on MEAs, the EU proposed a paragraph stating that coordination could be fostered if the GC/GMEF reviewed the progress of COPs of MEAs and reviewed synergies in

functional and programme areas where common issues arise. The US defended the merits of MEAs going their own way and offered an alternative proposal limiting a review function to capacity building activities. The

US said he did not want centralised control, common enforcement or common approaches to compliance. The US challenged the EU over whether plans to address compliance and enforcement were implicit in their proposal. Australia also rejected any attempt to address compliance, enforcement and finance. Agreement emerged around a South African proposal that the review function address the development of synergies "in areas where common issues arise." On Future Perspective, the G-77/China, the US and the Russian Federation strongly opposed a Norwegian proposal to establish the UNEP Executive Director as a High Commissioner for the global environment.<sup>75</sup>

After intensive negotiations delegates adopted the report of the IGM on IEG, and requested the GC President to transmit the report to WSSD PrepCom III.<sup>76</sup> The decision also calls for a review of the implementation of the recommendations contained in the report and consideration of further measures for strengthening UNEP at the 22nd session of the UNEP GC, in light of the outcome of the WSSD.

### **Final Report of IEG**

The **final report** of open-ended intergovernmental group of ministers or their representatives on **IEG** consists of a background section; the UNEP Governing Council IEG Initiative, and recommendations of the IGM to the GCSS-7/GMEF-3 of UNEP. The substantive part contains six recommendations to the GCSS-7/GMEF-3. The main issues on each recommendation are summarised below;

The recommendation on improving international environmental policy making including the role and structure of the GMEF;

Generally, it was suggested that the GC/GMEF should be utilised more effectively both in promoting international cooperation in the field of the environment, in providing broad policy advice and guidance, identifying global environmental priorities, and making recommendations. Achieving such a role is recommended by;

- ensuring universal participation of State members of the UN in the work of GC/GMEF;
- reaffirming and highlighting the UNEP's role and mandate contained in the Nairobi Declaration, including coordinating environmental activities in the UN system, and analysing the state of the global environment,

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<sup>75</sup> Earth Negotiations Bulletin Vol. 16 No. 24

<sup>76</sup> UNEP/GCSS.VII/L.4

- keeping under review the world environment situation and developing policy responses, providing general policy guidance for the direction and coordination of environmental programmes;
- identifying ways and means to improve and strengthen its interrelationship with autonomous decision-making bodies;
- promoting meaningful participation of representatives of Major Groups and NGOs;
- having GC/GMEF meet every other year at UNEP headquarters in Nairobi with meetings in alternate years in another UN region;
- instituting a regular dialogue with multilateral financial institutions in order to address the relationship between policy and funding;
- enabling ministers to concentrate on policy issues and take the opportunity to promote international cooperation, take policy decisions, identify priorities, provide broad direction and advice and oversee the programmes of work and the UNEP budget,

The recommendation on strengthening the role and financial situation of the UNEP highlighted;

- the UN General Assembly consider making available from its regular budget the amount required to cover all administrative and management costs of the UNEP, recognises an urgent need to improve the financial situation of UNEP's Environment Fund, and calls on countries to contribute financially to the UNEP to enable it to implement UN Resolution 2997;
- there is a need for more predictable funding from UN member States; more efficient use of available resources; a strong focus on agreed UNEP priorities; and greater mobilisation of resources from the private sector and other major groups;
- creating a voluntary ISC for the Environment Fund, taking into account a minimum indicative rate of 0.001%; a maximum indicative rate of 22%; a maximum indicative rate of the least developed countries of 0.01%; the economic and social circumstances of the member States; and provision to allow any member State to increase its level of contributions over and above its current level;
- encourage countries to contribute to the Fund either on the basis of the ISC or on the basis of any of the following: biennial pledges; UN scale of assessments; historical level of contributions; and any other basis identified by a member State;
- Encourages member States or major groups to make additional and other contributions, and requests the UNEP Executive Director to submit a report on implementation of the suggested contribution system to the GCSS for review in 2004.

The recommendation on improved coordination and coherence among and the effectiveness of MEAs are as follows;

- The UNEP should enhance the synergies and linkages between MEAs with comparable areas of focus, including: enhancing collaboration among MEA secretariats in specific areas where common issues arise.

- Suggests a periodic review of the effectiveness of MEAs, including use of non-binding UNEP guidelines on compliance with and enforcement of MEAs, capacity building, technology transfer and provision of financial resources to developing countries.
- Suggests a more coordinated approach to areas such as scheduling and frequency of COP meetings; reporting; and scientific assessment on matters of common concern, capacity building, and transfer of technology.
- Requests GC/GMEF to review the progress made by the COPs of MEAs in developing synergies.

The recommendation on capacity building, technology transfer and country-level coordination for the environment pillar of sustainable development are as follows;

- The need to strengthen national institutions, facilitate technology transfer, and support regional and sub regional efforts.
- Suggests the development of an intergovernmental strategic plan for technology support and capacity building to help developing countries improve the effectiveness of their capacity building and to address the gaps identified by assessments of existing activities and needs.
- Calls upon UNEP to endeavour to implement such a plan through enhanced coordination with other bodies such as the GEF and the UNDP based on capacity building and training, and national-level coordination of the environmental component of sustainable development;
- Calls upon the UNEP to cooperate with the GEF on capacity building;
- To foster the strength of UNEP as one of the three GEF implementing agencies.

The recommendation on enhanced coordination across the UN system including the role of the Environment Management Group (EMG) is summarised as follows;

- The need to ensure that the functionality of the EMG should be realised as soon as possible;
- Highlights the EMG as an instrument at the inter-agency level to enhance policy coordination across the environmental activities of the UN system, with the EMG providing potential to mainstream the environment into relevant activities of the UN system.
- The need for the EMG to support the implementation of a strategic partnership between UNEP and other relevant bodies, including the GEF and UNDP for capacity building.
- Calls for a clearly defined reporting relationship between the EMG and GC/GMEF, the CSD and other forum in the UN system and senior-level participation by member institutions, transparency in operations and adequate resources to support its functioning and specific activities.

## Appendix VII

## **Appendix VII**

### **UNEP Principles on Sustainable Tourism**

One of the institutional initiatives of UNEP regarding sustainable (nature based) tourism is the **UNEP Draft Principle on sustainable tourism** which was initiated in 1995 after a series of negotiations presented to the CSD7 and with its approval the final draft was published in early 2000. The main intention of the UNEP principle is to provide a framework on which international environmental agreements related to tourism can further develop their work programmes. The draft principle was not produced under negotiation nor was it presented for discussion within an international forum. It is the result of UNEP experts' consultation which contains useful points regarding nature based tourism. The time of launching the UNEP initiative coincided with CSD7 and the adoption of decision 7/3. In the mind of many, the UNEP principle was a contribution of this organisation to the process of CSD on tourism. The content of the principle, as an international reference, demonstrates its own capacity to deal with nature based tourism. The principle approach is towards environmental considerations in contrast with decision 7/3 and maybe regarded as a environmental approach to tackle nature based tourism.

The UNEP Principle's main topics are as follows;

#### **1) National tourism strategies and plans and legislation frameworks**

National policies and plans are within the main priorities of the international community to regulate as much as possible the relevant nature based tourism players inside and out of destinations. It certainly requires updating related national frameworks to facilitate such adjustments. The principle in Para (1.a) suggested tourism should be balanced with broader economic, social and environmental objectives by setting out a national tourism strategy based on knowledge of environmental and biodiversity resources. It should also be integrated with national and regional sustainable development plans (1.a). Tourism planning should also be undertaken as part of the overall development plans for any area to conserve the environment, maintain the quality of the visitor experience, and provide benefits for local communities (2.a). The ways to achieve these objectives are by establishing a national tourism strategy that is updated periodically and a master plan for tourism development and management together with providing support through policy development and commitment to promote sustainability in tourism and related activities. National tourism plans should not be undertaken in isolation but should be incorporated into the planning of all sectors. It should create and share employment opportunities with local communities and contain a set of development guidelines for the sustainable use of natural resources and land. It should promote development of a diverse tourism base that is well-integrated with other local economic activities and prevent ad-hoc or speculative developments. Above all it should protect important habitats and conserve biodiversity in accordance with the CBD (2.a). More over, the Principle proposes that any nature based tourism project should

respond to regional development plans (Para3 of 2.b) and stresses the need to strengthen the coordination of tourism policy, planning development and management at both national and local levels and the role of local authorities in the management and control of tourism as well as the participation of all stakeholders in the development and implementation of tourism (1.b).

On the legal basis of national tourism strategies and plans the Principle stresses the need to support the implementation of sustainable tourism through an effective legislative framework that establishes standards for land use in tourism development, tourism facilities, management and investment in tourism. To that end the institutional frameworks for enforcement of legislation should be strengthened and regulations and regulatory structures should be simplified to improve clarity and remove inconsistencies. A flexible legal framework for tourism destinations should be provided to help governments develop their own set of rules and regulations applicable within their boundaries to suit the specific circumstances of their local economic, social and environmental situations, while maintaining consistency with overall national and regional objectives and minimum standards. More importantly, the regulations for coastal zone management and the creation of protected areas and their enforcement should be strengthened (2.a). The adoption of EIA legislation requirements is also recommended (2.b).

## **2) Destination Managements;**

There are a variety of components within the UNEP Principle which are interrelated and are elements of destination management. **Carrying capacity** considerations are essential for the successful management of nature based tourism destinations. Implementing effective carrying capacity programmes is a basic requirement to ensure tourism development is incorporated within national and local plans. To achieve this objectives measures should be introduced to control and monitor tour operators, tourism facilities, and tourists and applying zoning as well as user fees to specified areas where environmental impact should be minimised (2.c). **Environmental Impact Assessment (EIAs)** is another important tool for sound management of destinations. It also can be used as a preventive instrument in many sensitive and protected areas. The UNEP principle suggests that comprehensive EIAs for all tourism development could anticipate environmental impacts through adoption of legislation to ensure that EIAs and the planning process take into account regional factors and by this examine impacts at the regional national and local levels (2.b). **Compliance measures** are a vital part of the successful implementation of any national programmes. The UNEP principle proposes compliance with development plans, planning conditions, standards and suggested that targets for sustainable tourism should be achieved by providing incentives, monitoring compliance, and enforcement activities. Sufficient resources for maintaining compliance should be provided and incentives should be used to encourage good practice. Compliance measures also assist with detecting problems at an early stage (3.d). One way to apply compliance is **monitoring**. Consistent monitoring and review of tourism activities could detect problems at an early stage and enable action to prevent the possibility of more serious

damage. To that end the establishment of institutional and staff capacity is needed. It is also required to monitor the implementation of environmental protection and related measures set out in EIAs and assess their effectiveness (3.b). Monitoring environmental conditions also assists compliance with legislation, regulations, and consent conditions (3.d). But for all mentioned issues the first and foremost requirement is the availability of sufficient **indicators**. Therefore the principle suggests developing mechanisms such as indicators for sustainable tourism (2.c) and establishing them for measuring the overall progress of tourist areas towards sustainable development (3.b).

### **3) Stakeholders and Local Community involvement**

Almost all international endeavours to address sustainable nature based tourism have a participatory approach alongside sustainable use and protection principles. The UNEP principle also regards the stakeholders and local community involvements as a condition for the long-term success of nature based tourism by involvement of all primary stakeholders in the development and implementation of tourism plans and gives them ownership shares in projects (4.a). The role of local authorities in the management and control of tourism should be strengthened and all stakeholders should be involved in the development and implementation of tourism (1.b). A better understanding should be promoted between stakeholders on their differentiated roles and their shared responsibility to make tourism sustainable, (2.a) and give all stakeholders a share in the ownership of the implementation of voluntary initiatives to maximise their effectiveness.

### **4) National Inter-Agency coordination**

In many developing countries the lack of interagency coordination and cooperation leads perfectly designed programmes and projects to uncertain achievements. Particularly in nature based tourism projects interagency coordination is a must. The principle therefore declares that the coordination and cooperation between the different agencies, authorities and organisations concerned at all levels certainly improve the management and development of nature based tourism. Such cooperation implies that responsibility of each party should be clearly defined and complement each other (1.b). To that end the balance with other economic activities and natural resource uses in the area should be maintained and all environmental costs and benefits should be considered. The effective coordination and management of development maximises economic, social and environmental benefits from tourism and minimises its adverse effects (1.c).

### **5) Integrated Natural resource management approach**

Integrated management together with the integration of tourism strategy into the national development plan and interagency cooperation, are essential parts of the integration of nature based tourism into the overall policy of sustainable development. The UNEP principle stresses the need to coordinate the allocation of land uses, and regulate inappropriate activities that damage

ecosystems, by strengthening or developing integrated policies and management covering all activities. The adoption and implementation of the integrated management approach should cover all economic activities including tourism and carry out restoration programme (1.c).

#### **6) Capacity Building and Technical Assistance**

Capacity building is one of the constant preoccupations of developing countries in facing the challenges of the implementation of sustainable development. It is almost a standard part of any regulatory or implementing programmes and an inevitable section of many international negotiations on sustainable development issues. The UNEP principle is not an exception and therefore recommends the development and strengthening of human resources and institutional capacities in government at national and local levels, and amongst local communities; and the integration of environmental and human-ecological considerations at all levels through a capacity building programme. It should be accompanied by the transfer of know-how and provide training in areas related to sustainability in tourism, such as planning, a legal framework, setting standards, administration and regulatory control, and the application of impact assessment and management techniques and procedures to tourism (4.c). One of the duties of every capacity building programme is enabling different stakeholders in the tourism industry and local communities, organisations and institutions to work alongside each other (1.d).

#### **7) Tourism Environmental Standards**

Tourism environmental quality standards may protect the environment by setting targets for reducing tourism pollution and preventing inappropriate development in sensitive areas. They should target the minimisation of pollution at source, the reduction of CO<sub>2</sub> emissions and other greenhouse gases resulting from travel and the tourism industry (2.b) and the promotion of sound waste management (2.c).

#### **8) Voluntary Initiatives**

Voluntary initiatives are partnership instruments to ensure long-term commitments and improvements to develop and promote sustainable nature based tourism. They are effective tools for management of nature based tourism if they provide all stakeholders with a share in ownership, and establish clear responsibilities, boundaries and timetables for the success of the initiative. They should also encourage small and medium-sized enterprises to develop and promote their own initiatives for sustainable tourism at a more local level (3.a).

#### **9) Environmentally Sound Technologies (ESTs)**

ESTs can minimise resource use, waste and pollution generated by tourism facilities and those brought to port by cruise ships by the use of renewable energy and ESTs for sanitation, and water supply. This process requires the introduction and widespread use of ESTs by tourism enterprises

and public authorities (3.c). The international community should facilitate the transfer and assimilation of new environmentally-sound, socially acceptable and appropriate technology and know-how (4.c).

#### **10) Exchange of information**

The idea of establishing a national, regional, or international mechanism to facilitate information exchange and dissemination of good practices in nature based tourism is raised by several international instruments addressing the issue. Depending on the preparation procedures of the instrument, it covers different aspects of the issue. The relevant documents resulting from negotiation procedures on the content of information exchange are more specific and practical. The documents which was produced by international experts, such as the UNEP principle, tried to be more comprehensive, however in some aspects they lacked clarity. This network mechanism should facilitate the exchange of information between governments and all stakeholders, on best practice for sustainable tourism development and management, including information on planning, standards, legislation and enforcement. It should be used to raise awareness of sustainable tourism and promote a broad understanding to strengthen attitudes, values and actions that are compatible with sustainable development (4.b).

#### **11) Tourism Industry**

The industry should consider initiatives for small and medium-sized enterprises to acquire access to financing, training and marketing to improve sustainability, quality and diversity of their tourism products and use market tourism in a manner consistent with the sustainable development of tourism (3.a).

#### **12) Reconciling Conflict Resource Uses**

This is a preventive approach which is considered by the UNEP principle as a tool for the integration of tourism into overall policies of sustainable development. It should identify and resolve potential or actual conflicts between tourism and other activities over resource use at an early stage by involving of all relevant stakeholders in the development of sound management plans, and providing the organisation, facilities and enforcement capacity required for effective implementation of those management plans. It enables stakeholders to work alongside each other and complement each other interests.

#### **13) Regional and International Cooperation**

Regional and international cooperation and coordination is a means to ensure nature based tourism and the environment are mutually supportive. To this end, the principle makes specific suggestions such as the establishment of common approaches to incentives, environmental policies, and integrated tourism development planning. In this regard the adoption of an overall

regional framework to maximise benefits from tourism and avoid environmental deterioration from tourism activities is recommended. The use of indicators, regional integrated tourism development planning and the development of regional strategies to address transboundary environmental issues, are also suggested (2.c).

At an international level the principle suggests that the international community should develop and implement international agreements which include provisions to assist in the transfer of Environmentally Sound Technologies (ESTs) to the tourism sector (3.c). It is also recommended that international and regional organisations, including UNEP, can assist with information exchange alongside the development of networks for the exchange of views and information (4.b). In compliance measures the principle proposes to consider the requirements set out by relevant international institutions for compliance and reporting (3.d).

### **Rule setting and Guidelines making**

Another noteworthy contribution of UNEP to nature based tourism is working with other relevant international organisations such as IUCN on rule setting and regulation placing on tourism development and activities within sensitive and protected areas.

Based on the precautionary principle, the relevant international organisations are especially concerned about tourism in protected areas and visitor impact management is ever more important as the number of tourists' increases, and their distribution is often concentrated in major tourism destinations in ecologically vulnerable areas. Therefore formulation of planning and managing nature based tourism development in protected areas has a high priority in the agenda of sustainable tourism.

One of the outstanding series of research in this field is the '**Sustainable tourism in protected areas, Guidelines for planning and management**'. These Guidelines assist managers of protected areas and other stakeholders in the planning and management of protected areas, visitor recreation and the tourism industry, so that tourism can develop in a sustainable way, while respecting local conditions and local communities. According to J. Aloisi de Larderel, UNEP Assistant Executive Director, "UNEP has been actively supporting protected area managers, working with WTO, UNESCO and IUCN, for over 12 years, through technical assistance to key stakeholders, and capacity building in projects and publications. This publication is the latest in this series, and UNEP is proud to be a partner in this milestone reference work"<sup>77</sup>. The joint publication of UNEP and IUCN consist of comprehensive guidelines detailing both the theory and practice of managing tourism in protected areas.

The major issues addressed by the guidelines are as follows;

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<sup>77</sup> Sustainable tourism in protected areas. Guidelines for planning and management. IUCN, 2000. introduction part

### 1) **Eco-tourists features**

The new international trends on nature based tourism create new circumstances and opportunities for nature based tourism managers in protected areas. They are faced with high level educated tourists as well as more elderly and/or early retired rich tourists. The quality of services should meet the needs of these groups of tourists. Their work conditions are dominated more than ever by the role of women as both influencing the selection of the destination of the family holiday as well as being the most available workforce. They should consider the particular requirements of women to attract them to select their destination. The general desire for short and fast trips changes the concept of leisure time and they have to prepare to meet the new demands of nature based tourists based on 4-day trips. Ecotourists generally demand specialised recreation and accommodation as well as specialised services such as guides. The managers should provide such services in an appropriate manner. Based on these facts, and considering that 'soft adventure' and nature based tourism has grown hugely, **protected area managers** should ensure that while **visitors** have opportunities to participate in **desired activities**, they are aware of and **maintain the values as well as the target market programming** to increase the attractiveness of a destination, and manage the visitors appropriately.<sup>78</sup>

### 2) **Market segments**

Segmentation of the market is a tool used to **predict ecotourists behaviour** and understand what tourists really seek in a visit to a protected area, to assist managers to establish an appropriate management **response for this behaviour**. It also contributes to the reduction of adverse impacts on the protected area and increases the economic benefits and makes visitor satisfaction more likely. The main ways are segmentation by socio-demographic characteristics (e.g. variables such as age, sex, occupation, origins, income level, ethnic association, and religion, as well as level of education or class), by geographic characteristics (e.g. origins, distance from sites and modes of transport), by psychographic segments (e.g. adventure or greener ecotourism), by participation in activity (e.g. tent campers or wildlife viewers), by frequency of participation and by perceived product benefits. The managers, in addition to the in-site handling of visitor segments, should be able to take advantage of e-commerce and internet facilities to introduce their destinations widely and manage visitor desires and behaviours hand before.<sup>79</sup>

### 3) **Security and safety of tourists**

One of the main issues for nature based tourists is the safety and security factors of the destination. Any kind of **social disorders** such as terrorism and war or lack of basic health and sanitation requirements create a negative reputation for a destination which makes it very difficult to rebuild

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<sup>78</sup> More information on 3.1.1-6 and 3.2.1 of the guidelines

<sup>79</sup> more information on 3.1.7 and 3.2.2 on the guidelines

visitor confidence. Tourists are attracted to destinations that have a positive reputation on environmental and social issues.

Another safety related issue is the shared responsibility of the delivery of public safety and of the search and rescue services by relevant stakeholders. **Public safety** which normally is the responsibility of park managers, tourist agencies and operators and ecotourists has a tangible relation with risk management as well as emergency. The emergency could address the low impact accident or deals with the broader area of emergency programming for lower frequency-higher impact/consequence events such as floods, tornadoes, hurricanes, fires, landslides and avalanches. The **visitor risk management** is an important component of nature based tourism management. It includes the frequency of incident as well as its harshness and consequences. To manage such risk forecasting is an essential part of proactive practices alongside identifying hazards in a systematic way. Controlling risk could reduce the probability of it occurring and limit its negative consequences. An effective risk management programme should include the training of staff, identification of risk areas, networking with legal advisors, insurers and other agencies, and a reporting system for incidents. When all these elements are in place, the process of risk management could carefully identify all risks associated with an area or activity. It should be followed by assessing the level of each risk by gathering information, assessing the likelihood of an event, assessing probable consequences, and calculating the level or risk. Then appropriate control measures such as elimination of the risk, transferring the risk, reduction of the risk probability and risk impact, or accepting the risk should be implemented. And finally, the programme should contain the monitoring of residual risks as well as reviewing and assessing the effectiveness of control measures by reviewing proposed measures, applying control measures, monitoring effectiveness through regular assessments and documentation.<sup>80</sup>

#### 4) Destination issues

The destination factors discussed in the guidelines are varied. They are categorised as environmental, social, cultural and economic factors.

To consider the **environmental aspects** of a destination in ecotourism management, the tourism facilities should be carefully developed within the protected area to demonstrate the managers' commitments to environmental protection. This could be done by minimising the negative environmental impact of visitor support services, creating an atmosphere in which visitors feel they are in a special place, and educate and demonstrate the value of sustainable, innovative and effective solutions by setting an environmentally sensitive design. Tourism in protected areas produces benefits and costs. These effects interact often in complex ways. Protected areas are established primarily to preserve some type of biophysical process or condition such as a wildlife population, habitat, natural landscape, or cultural heritage. Tourism planning and development aims to take advantage of the interest shown by tourists so as to: enhance economic opportunities,

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<sup>80</sup> More information in 6.1.1, 6.1.2, 6.1.3, 6.1.4 and 3.1.9 of the guidelines

protect the natural and cultural heritage, and advance the quality of life of all concerned. The **main environmental benefits of tourism in protected areas** are the protection of ecological processes and watersheds, by conserving biodiversity, by creating economic value and protecting resources which otherwise have no perceived value to residents, or represent a cost rather than a benefit. They also transmit conservation values, through education and interpretation, support research and development of good environmental practices and management systems to influence the operation of travel and tourism businesses, as well as visitor behaviour at destinations, and help develop self-financing mechanisms for protected area operations.

The **main environmental costs of destination** include trail creation, camp-sites, litter, crowding, track and recreation vehicles, human waste problems, wildlife disturbance, habituation or impact, user conflicts, water pollution, overdevelopment, weeds, fungi and exotic species, solid and human waste, cultural vandalism, boats damaging banks, habitat loss, emissions and air pollution, firewood collection, visual and noise impacts, over-fishing, undersized fishing, impacts on vegetation, damage to sand dunes/reefs, soil compaction or erosion, increased fire risk, damage to archaeological sites, trampling, changed water courses, taking souvenirs from flora and fauna. All these adverse impacts could be summarised as the following costs. Direct costs include construction of facilities, maintenance and administration of the site. Environmental degradation associated with use of the site such as soil erosion, water pollution and disturbance of wildlife. Congestion in those additional users impose a cost on all other users by reducing solitude. Cost of natural resources such as cost of the land and related resources. Private reserves play an important role in maximising the benefits in various protected areas. An extensive system of both public and private reserves supports an ecotourism industry. There is a long tradition that links the scientific researchers and ecotourism.<sup>81</sup>

**The economic aspect** of nature based tourism is related to the potentiality of tourism to increase jobs and income in a local area or region. It is often regarded as a source of foreign exchange, particularly since protected areas tend to attract international tourists. The **main economic benefits of nature based tourism** are an increase in jobs and income for local residents, it stimulates and diversifies the local economy, encourages local manufacture of goods, obtains new markets and foreign exchange, improves living standards, generates local tax revenues, enables employees to learn new skills, and increases funding for protected areas and local communities. These are achievable through high visitor spending and low local leakage. The **major economic costs** of nature based tourism are more demands for basic services such as policing, fire, safety and health care and their adverse effects on the local financial situation. In addition it could lead to increased foreign ownership and raised property values. Nature based tourism by monopolising the economy of protected areas makes them vulnerable to the risks of a changeable international market.

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<sup>81</sup> More information in 3.5.2, 3.4.3, 3.3 and 5.2.1

Two more issues have to be added in this part of the debate; first is the effects of globalisation on nature based tourism. The linkage and economic effects between the origin and destination communities makes achieving sustainable tourism difficult, since the host country often has a limited ability to influence tourist trends. Such a relationship passes on the economic problems of large scale economies to weak ones. Second is the need to find out an overall application of **economic valuation of protected area** tourism in order to help demonstrate the true economic value of such places. It will facilitate addressing appropriately the economic planning of sensitive and protected areas. It also serves any future debate on the insurance of national parks and protected areas. The method suggested by the guidelines is as follows; the total economic value of a protected area is the sum of the use values and the non-use values. Use value may be direct or indirect. Direct values such as recreation, education, research, and wildlife harvesting are considered to be market values. Indirect values such as ecological function of an area, watershed protection, carbon sequestration, wildlife habitat, and climate influence are non-market values. Non-use value may also be broken into different categories such as option, existence or bequest values and are non-market values. Option values include insurance to retain the option for potential future site use. Existing value is often measured by willingness to donate money or time. Bequest value provides the knowledge that benefit of knowing the areas will be around for future generations. The guidelines therefore introduced different methods for measuring the economic impact of tourism such as economic impact assessment, economic impact, and economic benefits methods normally used to measure market values. Non-market benefits are measured in protected areas by two techniques, the Travel Cost Method (TCM), and the Contingent Valuation Method (CVM). The measurement of economic valuation of protected areas should consider the existing case studies carried out by environmental organisation like IUCN and the knowledge of experienced agencies, such as the USNPS, (the New South Wales National Parks and Wildlife Service), and Parks Canada, and more importantly the practices of the United Nation Compensation Committee (UNCC) in Geneva. UNCC is a UN body which is designed to address the damages caused by the government of Iraq during the second Persian Gulf war. A great deal of these damages are environmental and the governing council of the UNCC required the claimant countries to submit their claims based on, inter alia, relevant environmental impact assessments of the damages. The UNCC panel is the only UN body appointed by the Security Council to compensate environmental damages of claimants caused by a state based on, inter alia, the economic valuation of environmental damages.<sup>82</sup>

The major **social benefits** of nature based tourism include promoting aesthetic, spiritual, and other values related to well-being, supporting environmental education for visitors and locals, establishing attractive business environments for destinations residents and visitors, improving intercultural understanding, encouraging the development of culture, crafts and the arts, increasing the education level of local people, encouraging people to learn the languages and cultures of

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<sup>82</sup> More information in 8.1, 8.2, 3.3, 3.3.1, 3.1.11, and 3.4.1

foreign tourists, and encouraging local people to value their local culture and environments. The **social costs** include distortion of community activities, increasing congestion, littering, vandalism and crime, seasonal employment, commercialisation of local traditions, social vulnerability to exploitation.

The **cultural heritage** of the destination is sensitive to the provision of visitor services and needs patience, tolerance and a sense of fairness on the part of the protected area manager.

ICOMOS produced guidelines for the conservation and use of cultural heritage such as historic gardens and landscapes, historic towns, archaeological sites, underwater cultural heritage, monuments, and cultural tourism. The main approaches for the sustainable use of the cultural heritage of a destination should include preservation, restoration, recreation, and adaptation of the destination's cultural and heritage values.

The interpretation these values is an important part of their conservation. Without adequate and fair interpretation most of the cultural heritage is meaningless for hosts and guests and therefore difficult to protect.<sup>83</sup>

#### **5) Rural development and nature based tourism**

The idea of repositioning protected areas in the context of community development and the local economy was raised by the IUCN in 1999 within the framework of sustainable use of protected areas in Africa. It pointed out that tourism in protected areas not only assists job and income creation but also helps to improve communication, increase the level of education, skill training and medical health care services.

The Ecotourism is also a tool to help local and rural communities to maintain, or improve their living standards and quality of life. The guidelines proposing such improvement could be measured by school graduation rate, infant mortality, water and air quality and pollution, and access to recreation facilities as well as park services.<sup>84</sup>

#### **6) Increasing environmental awareness**

As a result of three decades of international attention towards environmental concerns, people are increasingly aware of the need for low impact tourism which does not harm the environment. Their concerns were expressed throughout various mechanisms such as ecolabels, green consumption, and environmentally-friendly behaviour. Protected areas are well placed to take advantage of this trend as they embody the values that ecotourists hold.

Interpretation and education is other useful instrument to increase environmental awareness. Interpretation could promote management objectives and understanding of the agency, and also improve understanding of the protected areas. It could provide information to visitors on management policies, direct behaviour towards acceptable practices, and encourage behaviour that

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<sup>83</sup> More information in 3.4.2, 5.1, 5.1.1, 5.1.2 of guidelines

<sup>84</sup> More information in 3.3.3

minimises negative environmental impact and maximises positive impacts. It also develops a positive public attitude towards protected area authorities, staff members, policies and management and assists park management in carrying out new policy initiatives. More importantly it could help develop awareness, appreciation and understanding of park cultural and natural environments and heighten visitor satisfaction with recreational experience. Various techniques maybe used to deliver interpretation such as personal services provided by relevant staff, non-personal services mainly though the internet and IT, and supporting activities and facilities. It could be provided before departure, during the trips, at the entrance of the protected area or during the visit.<sup>85</sup>

## 7) Carrying capacity

The Carrying capacity approach developed and used in the 70's, based on the **reduction of the numbers** of visitors, has serious limitations. It goes against the objectives of protected areas designed to encourage appropriate visitor enjoyment and valuation of the resource. The new frameworks to address carrying capacity try to avoid such a disadvantage. The **Limits of the Acceptable Change Planning Process (LAC)** offers a way to develop goals for tourism in protected areas that does not focus so much on the relationships between levels of use and impact, but on determining the desirable environmental and social conditions for the visitor activity, and the management actions required to achieve these conditions. It contains various steps including; identify special values, issues, and concerns attributed to the area, identify and describe recreation opportunity classes or zones which describe subdivisions or zones of the natural resource with different social, resource, or managerial conditions, select indicators of resource and social conditions by using, inter alia, economic, social, environmental, political indicators, inventory existing resource and social conditions to map inventories to establish status of both locations and conditions of indicators, specify standards for resource and social conditions in each opportunity class by identify the range of conditions for each indicator and define conditions in measurable terms, identify alternative opportunity class allocations, identify management actions for each alternative by analyse broad costs and benefits of each alternative and required management actions, evaluation and selection of a preferred alternative including review costs and benefits of alternatives and their responsiveness with managers, stakeholders and public, and implement actions and monitor conditions by develop implementation plan with actions, costs, timetable, and responsibilities as well as develop a monitoring programme, focusing on the indicators and finally compare indicator conditions with standards to evaluate the success of actions.

By the different steps of LAC managers will gain a better understanding of the natural resource base and its management. It also provides a way of defining a range of diverse conditions within the protected area by developing classes or zones. One of the weak points of LAC is its essential dependence on reliable indicators because their condition influences the overall condition of the

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<sup>85</sup> More information in 7.6, 3.1.10 of the guidelines

opportunities and guides the inventory. Inventory data helps managers establish realistic standards, and is used later to evaluate the consequences of measures taken instead of current trends (alternatives). By specifying standards, LAC provides the basis for establishing a distinctive and diverse range of protected area settings, serving to define the limits of acceptable change. Alternative opportunities provide other ways of managing the area to best meet needs, interests, and concerns. LAC in its final stages tried to build a consensus and selects the best alternative before the timely implementation and adjustment of management strategies. LAC also benefits from having a monitoring mechanism to ensure effective implementation. The main strength of LAC is that its final product is a strategic and tactical plan for the area based on defined limits of acceptable change for each opportunity class, with indicators of change that can be used to monitor ecological and social conditions. Its weaknesses are the process focuses on issues and concerns that guide subsequent data collection and analysis. Strategic and tactical direction may not be provided on management topics where there are no current issues or concerns.<sup>86</sup>

Another framework created to deal with the carrying capacity of the destination is the **Process for Visitor Impact Management (VIM)**. VIM addresses three basic issues relating to impact: problem conditions; potential causal factors; and potential management strategies. It contains various steps including conduct pre-assessment database review, review management objectives, select key indicators, select standards for key impact indicators, compare standards and existing conditions, identify probable causes of impacts, identify management strategies, and implementation. Its strengths are that it provides for a balanced use of scientific and judgmental considerations. It also places heavy emphasis on understanding causal factors to identify management strategies, provides a classification of management strategies and a matrix for evaluating them. But VIM is only written to address the current conditions of impact, rather than to assess potential impacts.

**Recreation Opportunity Spectrum (ROS)** is another process to address the carrying capacity of a destination and was created in response to concerns about growing recreational demands, increasing conflict over use of scarce resources, and a series of legislative directives that called for an integrated and comprehensive approach to natural resource planning. The process was designed to aid the understanding of physical, biological, and social managerial relationships, and to set parameters and guidelines for management recreation opportunities. It comprises various steps, two of the most important being creating an inventory and mapping the three perspectives that affect the experience of the visitor, namely the physical, social and managerial components. It also includes a complete analysis comprising, identifying inconsistencies, defining recreation opportunity classes, integrating forest management activities, identifying conflicts and recommending mitigation. Other steps include scheduling, designing, and implementation and monitoring of the project. It is recommended because of its practicality and its capability of forcing managers to rationalise management for protection of the resource, opportunities for

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<sup>86</sup> More information in 6.3.1, 6.3.2 and appendix D of the guidelines

public use; and the organisation's ability to meet preset conditions. It links supply with demand and can be readily integrated with other processes. It ensures that a range of recreational opportunities are provided to the public. But ROS indicators and their criteria must be accepted in total by managers before any options or decisions can be made as disagreement will affect the rest of the planning programme. ROS maps need to be related to the physical and biophysical characteristics of each area.

**Visitor Experience Resource Protection (VERP)** is a new process dealing with carrying capacity in terms of the quality of the resources and the quality of the visitor experience. It contains a prescription for desired future resource and social conditions, defining the appropriate levels and the conditions of the use. It contains different steps including assembling an interdisciplinary project team, developing a public involvement strategy, developing statements of park purpose, significance and primary interpretive themes identifying planning mandates and constraints, analysing park resources and existing visitor use, describing a potential range of visitor experiences and resource conditions, allocating the potential zones to specific locations within the park, selecting indicators and specifying standards for each zone and developing a monitoring plan, monitoring resource and social indicators, and taking management actions.

It is a thought process that draws on the talents of a team and is guided by policy and the park mission statement. It guides resource analysis through the use of statements of significance and sensitivity, and visitor opportunity analysis is guided by statements defining important elements of the visitor experience. Zoning is the focus for management. Its points of weaknesses include that additional work is required to pilot the approach in different environments. The will and ability to monitor sufficiently in order to provide information to guide management actions must be tested.

In general a number of challenges arise when approaches like these are adopted. They include the requirements of staffing, funding and time to implement, the gaps in scientific knowledge about visitor impacts. Therefore judgments have to be made subjectively, or with limited information, and the management action called for is not always taken because management is unwilling to face up to hard choices as well as a lack of resources in many cases.<sup>87</sup>

## **8) Stakeholders**

The key tourism stakeholders in protected areas are society in general, including local communities, park managers, tourism operators, and visitors. The main factors for successful involvement of stakeholders are; creation of the feeling of ownership, participation in the entire decision-making process, consensus-building, avoiding the imposition of a pre-determined methodology, and avoiding tokenism (a same recommendation for all situations). Although the main element of the successful plan for nature based tourism in protected areas and elsewhere is the involvement of relevant stakeholders, at the same time it implies more staff time and energy, more budget and information, and more flexibility and commitments. The interest and views of all

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<sup>87</sup> More information in Appendix D of guidelines

stakeholders should be taken in to account for successful planning. Such a plan should encompass various stages including early involvement by informal consultation to determine the major issues raised and identify key individuals. This should be followed by initial planning including charting decision-making process, identifying stakeholders, determining information exchange needs and clarifying public involvement objectives. Subsequently, a public involvement programme should be developed based on choosing detailed methods of stakeholder involvement, establishing internal agency communications, committing resources, and scheduling and assigning work. The next is to implement the programme, monitor public involvement, and evaluate the results of involvement. However any successful plan should also consider the post decision public involvement stage by developing post decision requirements and implement them. There are a variety of techniques to involve stakeholders including using public information and education to inform them on decisions. The information feedback approach is to brief stakeholders before decision-making and seek their support. By the consultation approach the stakeholders views would be take into consideration. An extended involvement approach is to take seriously their idea for implementing the process through advisory groups or task forces. Joint planning is an approach based on consultation, mediation, and negotiation. This will increase the commitment of all stakeholders.

However the stakeholders should be involved in the development and implementation of the plan. Another supportive initiative for the management of nature based tourism in protected areas is informing all stakeholders on the measure of the economic impact of tourism on protected areas. The understanding of flow and distribution of the economic benefits from tourism is one of the most critical elements of park economics. Policy makers, planners and managers can influence this flow and its distribution, and need to consider their options carefully. Such an initiative assists future investment of money and time which affect protected areas.<sup>88</sup>

## **9) Human resources**

Human resource management needs to be integrated into protected area management plans. Effective human resource management recognises and utilises the human asset of an organisation in order to fulfil short and long term goals. In combination with current theories of ecologically based land management, and sustainable sources of income, this will provide an excellent foundation for managing tourism sustainably in protected areas. For appropriate human resource management in the tourism industry a specific and detailed job analysis is needed as a common strategy for identifying organisational human needs. A general tourism job analysis process is based on firstly planning and staffing including current and future staffing needs, recruiting information, selection criteria. Secondly employee development includes informing employees about performance standards, training, performance appraisal, career planning and finally

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<sup>88</sup> More information in 8.3, 4.7, 4.5.1, 4.5.2, and 4.5.3 of the guidelines

employee maintenance which including determining compensation, health and safety, and labour relations to bargain over job responsibilities.

Human resource management in nature based tourism should consider the recruitment and selection of qualified candidates for vacant positions, human resource development, and performance evaluation as vital processes for effective management. Recruitment plays an important function in the development of a healthy and motivated staff that has to pursue a special and sensitive combination of goals with their wide range of professional skills and qualities in the nature based tourism industry.

Human resource development is to improve the capacity of the human resource through training, learning and performance at the individual, process and organisational levels. Performance evaluation system of staff by information gained through the collection, analysis and evaluation of employees' performance is a tool for understanding the quality of the job done by staff, human resource development needs, evaluating the success of human resource programmes, facilitating communication between employee and employer, fostering employee motivation and empowerment, and mutual respect between all parties involved.<sup>89</sup>

## **10) Tourism industry**

The tourism industry is faced with new elements at the commencement of the twenty first century such as the health of the global economy, security fears due to terrorist activities, war and regional instability, the extremes of global climate change, and the availability and cost of fuel oil which all in one way or another will have an important limitation on long-term travel growth. The new sense of appreciation towards environmental beauty and seeking a peaceful and relaxing environment has revolutionised global nature based tourism. Indeed, the very existence of a protected area, particularly of a national park, is often a lure for tourists. This trend will continue and the nature based tourism industry should prepare for more visitors from around the globe. Another interesting factor in the tourism industry is the increasing demand for nature based tourism in the form of outdoor activities, 'soft and hard adventure' and ecotourism in general as a niche market of tourism. Opportunities are there tap into this demand, through targeting market programming by the tourism industry, perhaps in collaboration with the private sector, both to increase attractiveness as a destination, and manage the visitors appropriately.<sup>90</sup>

## **11) Public-Private sector relationship**

The roles of the public and private sectors in protected area tourism can be both mutually supportive and conflicting. There is a complicated mix of public and private service provision, and the long-term success of protected area tourism requires cooperation between both the public and private sectors. The provision of services to the park visitor, the level of charges for these services

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<sup>89</sup> More information in chapter 10 of the guidelines

<sup>90</sup> more information in 3.2.1, and 3.1.8

and the public/private mix of service provision are public policy issues. The main duties of the public sector include environmental protection, Infrastructure facilities such as roads, airports, rail lines, electricity, and sanitation, monitoring of impacts and evaluation of quality, allocation of access, limits of acceptable change, and distribution of information through interpretation or visitor centres as well as conflict resolutions. Security of the environment and public safety is an overarching government responsibility. Typically, the private sector provides most of the services and consumer products. Private operators provide accommodation, food, transport, media facilities as well as advertising for site promotion and distribution of information and personal services for more entertainment. The private sector has the ability to respond quickly to consumer demands by providing consumer products but it's not able to adjust the prices quickly.

As its clear the public sector is unable to provide some services to the consumers because of institutional constraints and therefore the private sector may be better able to deliver certain services.

The current mix of public/private responsibilities is flexible however the main areas of their responsibility are laid out above. Both the public and private sectors in wealthier countries usually provide information. In poorer countries, it is the private operators who largely provide information, whereas the public sector provides resource protection, infrastructure and security services. Public and private cooperation is evident in the provision of information databases on the Internet. Each is fundamentally dependent upon the other. The long-term health of the natural environment and the financial condition of all sectors of ecotourism depend upon cooperation.<sup>91</sup>

## **12) Accommodation and transportation in protected areas**

The management of accommodation in the protected areas is based on the public-private sector relationship. It is normally managed by a mix of park agency, concessionaire, Friend's Groups, NGOs and local communities. The accommodation in protected areas should be comfortable, simple, and usable with a low environmental impact reduction waste generation programme and follow principles of environmentally sensitive design. The accommodation should also be constructed in the most culturally and environmentally sensitive way. Some of the needs of day visitors could be met by visitor centres normally located in the entrance of the area. The visitor centres should be discreetly designed, carefully sited and sympathetically landscaped. They must build in a strong interpretive component, help visitors to understand the significance of the area, and thus assist the protected area manager. Transportation infrastructure within protected areas should be for the understanding, appreciation and enjoyment of visitors. Transportation often has very significant impacts on protected areas therefore; its design, routing and management must be carefully planned. One way to control and manage the environmental impact of transportation with in the protected area is zoning.

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<sup>91</sup> more information in 9.3 of the guidelines

The zoning policy could include the part time road closure, obligatory public transport, partial or optional use of public transport and restriction on type of the transport, apply a special use fee for non public transport, and use of specialised transit for special environments. The transportation policy should also take into account the integrity of transport systems, the road hierarchies, the use of modern technology, and the principle of partnership to create an environmentally sound transportation system in sensitive areas.<sup>92</sup>

### **13) Monitoring**

Monitoring is the systematic and periodic measurement of key indicators of biophysical and social conditions. Monitoring in protected areas should frequently address tourists' impact including the environmental, economic, socio-cultural, and experiential or psychological impacts as well as service quality such as managerial or infrastructure impacts by using appropriate indicators through the establishment of a monitoring system at the outset of the project development on the concerned area. The monitoring system, preferably implemented by the involvement of relevant stakeholders, should be based on meaningful variables, accurate results, a reliable system, reasonable human capacity, easy to implement, able to detect change, and appropriate to management capability. Such an ideal system should lead to a monitoring plan consistent with the goals of the protected area management plan, employ appropriate indicators illustrate site conditions, suitable procedures with specific instructions on methods used and procedures for data analysis, and explicit indication of responsibility of personnel for monitoring.<sup>93</sup>

### **14) Research**

Research is a capable and valuable tool to enhance the quality of planning and management of nature based tourism in protected areas. The key guidelines to consider in the stimulation and management of nature based tourism include the involvement of a wide range of researchers in a multi disciplinary research approach. To do so, the relevant authorities should introduce an inventory of potential research topics containing research titles, a description of the topic, possible research sites and contact persons and information on the availability of funding as well as a research permit process in order to screen topics for suitability, to assist with the maintenance of a research record, and to set conditions for the conduct of the research. To encourage more research, they could share some part of the costs with researchers or universities. They should also encourage the participation of their staff and consultants as well as private tourism operators in the process of research. After completion of the research, it is the responsibility of the relevant authority to distribute the results widely to enable secondary research and analysis. It is also

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<sup>92</sup> More information in 5.2.2, 5.3, and 7.3

<sup>93</sup> more information on the chapter 11 of the guidelines

necessary to encourage and support good research work and stimulate further interest in the field by providing awards.<sup>94</sup>

### 15) Fund raising opportunities

Fund-raising is a crucial issue in the management of nature based tourism in sensitive and protected areas. The main resource for protected areas income is the government through the **national budget**. The annual budget is typically tied to political considerations, not to the level of protected area income or the level of service delivery. Globally speaking, protected area budgets in the early 1990s only totalled about 24% of the estimated US\$17 billion required to maintain the areas; and the trend is downward with most countries currently experiencing budget decreases.<sup>95</sup> In general, protected area staff in developing countries are poorly paid, there is limited funding for protected area investment, and alternative land uses are seen as more lucrative by local people and national politicians. Other prevalent income resources of protected areas is nature based tourism related sources such as **entrance fee** or **tourism services**. However, it is a strong case for governments to help fund protected areas and the emphasis placed here on generating income through tourism is not intended to undermine basic support of this kind. One innovative way to increase the income of protected areas is to earn substantial income from the **sale of licences** to use their names and images. Cross product marketing is a very popular business practice, but is rare in protected areas. This occurs when two allied products advertise and sell each other's product. Such an initiative could be properly developed in sensitive and protected areas with active participation of private sectors. Another initiative is the benefit of **parastatal agencies** in the development and management of protected areas. Typically, parastatal agencies function like companies within government. Their key components include their financial components such as internal financial management and year over year retention of earnings and flexibility in setting fees and charges. Secondly their staff components such as flexible staffing policies and competency-based incentives to employees, their customer orientation such as flexibility in licensing concessions, properties and services, ability to respond quickly to client demands, higher levels of client service. Such combinations of useful components enable parastatal agencies to be more efficient in the financial management of nature based tourism within the protected areas than governmental agencies. Recently **corporate contribution** became a common approach particularly in developed countries. This approach emerges in various forms including ecosystem services such as annual payment for using natural resources like water and natural pest control and pollination. It also uses corporate imaging such as corporate sponsorship as an official supporter of a particular protected area and profit sharing of a particular natural product of a protected area like mineral water, or in the form of sharing scientific research and royalties.

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<sup>94</sup> More information in 11.4 of the guidelines

<sup>95</sup> Lindberg, 2001

Another financial resource to support protected areas is international **developmental assistance**. In much of the developing world, support for protected areas comes in part from outside donors through international financial organisations. In general, multilateral bank funding is available only to governments or to private-sector projects expressly approved by governments and contain a poverty relief component. Typically a development bank grant or loan for the establishment and maintenance of national parks and protected areas would be provided as support to implement a national conservation plan. Therefore the relevant authorities in protected area-based tourism are facing two challenges ahead. First, they have to convince the international community that their project on nature based tourism has the element of poverty alleviation and second it is in line with the national conservation plan. Another form of international assistance is **debt-for-nature swaps**. Here, a part of the official debt of a government is exchanged for local currency to invest in a domestic environmental protection project. Such projects may include designation and management of protected areas, park personnel training, and environmental education programmes and could extend to nature based tourism development. Debt swaps alleviate the debt burden of developing countries, help with protected area creation or operations, support sustainable development programmes to create local jobs and income, and increase funds for environmental organisations.<sup>96</sup>

## 16) Conflict resolutions

To address the conflicts in protected areas or other sites of nature based tourism activities amongst main stakeholders, the managers and other relevant authorities are to develop a wider understanding of the goals and establish a management regime that allows for goal fulfilment without interfering with the goals of another. Otherwise they should try to change the goals. To resolve differences, there has to be acknowledgement and some integration of a range of values. As some conflict is unavoidable, the main focus in its resolution should be management rather than prevention. Resolving conflicts requires the use of a variety of tools and involvement of those impacted by the conflict in the management process.<sup>97</sup>

## 17) Main Guidelines for sustainable nature based tourism

The guidelines of sustainable tourism in protected areas introduced some baselines for the planning and management of nature based tourism based on good practices and experience as well as scientific approaches and analysis. Some of those relevant to the purpose of this study are highlighted here.

The **guidelines for increasing the benefits of NBT in protected areas** are suggested for increasing the benefits of tourism in protected areas where owned or managed by public, private, voluntary or community bodies. It contains goal setting and comprehending the role of the

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<sup>96</sup> More information in 9.2, 9.4, 9.5, 9.6, and 9.7 of the guidelines

<sup>97</sup> More information in 4.6.1 and 4.6.2 of the guidelines

protected area in NBT and evaluate tourism programme to meet the goals, measurement and impacts of NBT, provide high service quality adaptable to motivation and needs of NBT and frequent evaluation and monitoring, involve visitors in the management process as well as the local population, ensure meeting expectations, provide local facilities in all kinds, and minimising leakages, coherent financial and fiscal management by trained staff in tourism planning, educating the local community and revenue-sharing, and celebrate local cultural tradition and special events. The **guidelines for capturing economic benefits** include increasing the number of visitors, increasing the length of stay, attracting richer market niches, increasing purchases per visitor, providing lodging, providing guides or other services, hosting events, and purchasing local food and drink.

The **guidelines for development of the NBT policy and plan** considers the fundamental role of the natural and cultural environment in planning which must not be put at risk, the maintenance of a high quality of environment and cultural conditions, The creation or support protected area management organisation, to fulfil the visitors demands and expectation of facilities, programmes and learning opportunities, providing the best quality service, integrating the regional planning for NBT, and managing expectation with other relevant stakeholders. Successful policy and planning setting needs a careful process. This process includes the clarification of plans such as management, emergency, fund and personnel issues, monitoring and reviewing procedures. It should be socially acceptable, relationship building oriented and mutually learning. It should be based on the participation of all stakeholders to create a responsibility and ownership feeling and represent a wide range of interests. Tourist facilities and programmes within protected areas should act as standard-setters in environmentally sensitive design and operations. The **guidelines for environmentally and culturally sensitive design and operation** try to provide good design and sympathetic operations to increase local and visitors' awareness. It addresses various aspects of the issue such as environmental impact assessments, landscaping and site design, built facilities, resource conservation and consumption, materials, new and low impact technologies, services, quality control, green practices, programmemeing, and relationship with the local community. Nature based tourism depends on the quality of the natural and cultural resources of the visited site. The impacts of visitation on these resources must be carefully managed, directed and mitigated wherever possible. The **guidelines for visitor management** aim to meet the expectation of visitors while controlling and managing impacts of NBT on resources. It includes the principle of balancing between appropriate management and objectives, the principle of inevitability and desirability of the diversity of destination resources, the principle of management and influencing human-induced change, and the fact that Impacts on resource and social conditions are inevitable consequences of human use and these impacts may be temporally or spatially discontinuous. It also recognises the fact that many variables influence the use/impact relationship and many management problems are not dependent on numbers of users, the fact that limiting use is only

one of many management options, and the principle of the decision-making process should separate technical decisions from value judgments.

