Life as Commerce - India Case Study

on

Ecotourism as a Market-based Conservation Mechanism

Introduction

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

The World Conservation Union (IUCN) defines ecotourism as: *"...environmentally responsible travel and visitation to relatively undisturbed natural areas, in order to enjoy and appreciate nature (and any accompanying cultural features - both past and present) that promotes conservation, has low negative visitor impact, and provides for beneficially active socio-economic involvement of local populations"* (IUCN, 1996).

The travel industry defines ecotourism as: "*purposeful travel that creates an understanding of cultural and natural history, while safeguarding the integrity of the ecosystem and producing economic benefits that encourage conservation . . . The long-term survival of this special type of travel is inextricably linked to the existence of the natural resources that support it*" (Bandy, 1996 quoting: Ryel and Grasse 1991:164).

The International Ecotourism Society defines ecotourism as: *"responsible travel to natural areas that conserves the environment and improves the welfare of local people"*.

According to the World Tourism Organisation (UNWTO) tourism that involves travelling to relatively undisturbed natural areas with the specified objective of studying, admiring and enjoying the scenery and its wild plants and animals, as well as any existing cultural aspects [both of the past and the present] found in these areas is defined as ecotourism. An optimum number of environment friendly visitor activities, which do not have any serious impact on the ecosystem and the local community and the positive involvement of the local community in maintaining the ecological balance are some of its key elements (UNWTO, 2002[i]).

With very little consensus between the industry, indigenous and local communities and other government and non-government organizations on the definition of ecotourism, it is being been touted by the industry as the wonderful antidote to the development problems of hitherto untouched areas in India. Ecotourism is today the unique selling proposition of the tourism industry and is being used to bring more and more tourists to fragile regions like the forests and coasts. With nature and culture being the prime attraction it is only logical that the Ministry for Tourism and Culture, state tourism departments and the tourism industry are selling India as an important ecotourism destination.

1. Hypothesis

The hypothesis that was considered for the case study was:

Newer biodiversity rich areas, under Protected Area status or otherwise, are being rapidly opened for ecotourism. In the absence of coherent policy, regulation and guidelines, current form of ecotourism has impacted biodiversity; lives and governance systems of communities. This has resulted in loss of rights and benefits arising from use of biological resources to communities. Women are particularly affected as they confront increasing problems of social evils, finding wherewithal from even distant locations and reduced say in matters that affect them.

2. Research questions

Based on the hypothesis, the following research questions were formulated:

a. What are the areas that have been opened up?

b. What is the status of laws, policy and guidelines for ecotourism?

c. What are the impacts of ecotourism on biodiversity and community governance?

d. What are the impacts on women?

For the purpose of this case study, the research questions that have been taken up pertain to areas that have been opened up for ecotourism, status of laws, policy and guidelines for ecotourism, and impacts of ecotourism on community governance only.

3. Methodology

a. *Geographical scope*

The states that were selected for the case study are:

i. Andaman & Nicobar Islands[ii]

ii. Chhattisgarh

iii.   Madhya Pradesh

iv.   Uttarakhand (earlier Uttaranchal)

These states were selected on the basis of being diverse ecosystems with predominantly indigenous populations, which are the selling propositions of ecotourism. The Andaman Islands are an archipelago situated in the Bay of Bengal and are the home for four primitive tribes that are almost on the verge of extinction - the Great Andamanese, Jarawas, Onges and Sentinelese. Chhattisgarh and Madhya Pradesh are located in Central India and comprise of forest ecosystems that contribute significantly to the forest cover and biological diversity of the country. Chhattisgarh is a tribal state and was carved out of Madhya Pradesh in 2001, both these states are home to indigenous groups like Baiga, Bhil, Gond, Birhor, Munda Korwa, Munda and many others. Uttarakhand is located in the mountain ecosystems of the Himalayas and the trans-Himalayan hill ranges of the Shivaliks, and forest ecosystems. Uttarakhand is also a tribal state which was created from Uttar Pradesh in 2001. The main indigenous peoples' groups in Uttarakhand are Bhotia, Buksa, Jannsari, Raji, Tharu and Didihat.

b. Research design

i. Secondary data
The main secondary sources of data that were *inter alia* examined were:
- Official websites of the respective state governments and Government of India
- Promotional material and information provided by the Ministry of Tourism and Culture - Government of India and tourism departments of the respective states

ii. Primary data
- *Interviews* – This was the main method of data collection administered to the government and to local community representatives. An interview guideline was prepared containing a detailed list of questions and checklist for every department / official being interviewed. Data collected from interviews was documented through notes taken by the interviewers rather than through tape or video recordings as the latter would not have been appropriate with several government officials.
- *Focus group discussions* – In order to collective perspectives from local community members, focus group consultations were organised. A discussion guideline was prepared for the conducting the discussions. Data from the focus group discussions has been documented in writing and through audio visuals.

- *Field observation* – Field observation has been another important instrument for collecting qualitative data, especially for socio-cultural and environmental impacts of tourism activity. At each field site, a considerable amount of time was spent at different locations to observe tourist behaviour, interaction of tourists with local people and the impacts of such interaction. Data recorded through field observation was immediately documented.
- *Participant observation* – Here, members of the research team went as tourists to different sites to observe tourist behaviour, and to get first-hand experience of how local community members viewed and interacted with tourists. Observations were documented through field notes.

iii.   Ethical considerations

The general principles followed in developing this case study are as follows:
- all subjects and respondents should take part freely and on the basis of informed consent;
- ensuring the confidentiality of information and anonymity of names wherever requested;
- ensuring that data is neither fake nor plagiarised and that results are not falsified.

4. Ecotourism as a Market Based Conservation Mechanism

a. Areas that have been opened for ecotourism

i.   Andaman & Nicobar Islands

The Department of Environment & Forests - Andaman & Nicobar Islands Administration has proposed to open up the following islands for ecotourism. The details of the ecotourism activities are mentioned in the divisional working plans approved by the Supreme Court. The various islands are:

North Andamans	Middle Andamans	South Andamans
1. Saddle Peak	13. Long Island	18. Rutland
2. Ross Island	14. Guitar Island	19. Wandoor
3. Kalipur Beach	15. Cuthbert Bay	20. Chidiyatapu
4. Kalpong hydro power project	16. Merk Bay	21. Mount Harriet
5. Ramnagar Beach	17. Barren Island (live volcano)	22. Shoal Bay
6. Karmatang Beach		23. Constance Bay
7. Ray Hill		
8. Curlew Island		

9. Interview Island		
10. Sound Island		
11. Stewart Island		
12. Nariyal Balu		

Apart from the above, the Ministry of Tourism – Government of India has announced an enhancement of private investment from Rs. 5 crore to Rs.100 crore (equivalent to US$ 1.1 - 21.8 million) in 2004 to build super resorts and luxurious hotels in both the island groups of the Andaman and Nicobar Islands and Lakshadweep[iii]; ten islands were identified in Andamans including Havelock and North Passage. The Directorate of Information, Publicity and Tourism, the nodal agency for tourism in the Islands, has also proposed a new ecotourism circuit at Baratang in November 2004[iv]. The then Lt. Governor Dr. Kapse had earlier inaugurated eco-huts at Mount Harriet National Park for 'eco-tourists" in July 2004[v].

ii.   Chhattisgarh

The state of Chhattisgarh has several 'virgin attractions' in protected areas such as Kanger Valley National Park, Barnawapara, Sitanadi, Udanti and Achanakmar Sanctuaries. Mainpat (Surguja), Keshkal valley (Kanker), Chaiturgarh (Bilaspur), Bagicha (Jashpur), Kutumbsar caves, Kailash caves, Tirathgarh falls, Chitrakot falls (Bastar), which "*are all exhilarating destinations being promoted for nature and wildlife tourism. Wildlife areas, camping grounds and trekking facilities would be few of the prime attractions*".[vi]

The policy also states that the endangered Wild Buffalo (*Bubalis bubalis*) and the even more endangered Hill Myna (*Graculis religiosa peninsularis*), the state animal and state bird respectively will be protected by ecotourism. Hence ecotourism will help in preserving these and other species of biodiversity.

iii.   Madhya Pradesh

The ecotourism sites in Madhya Pradesh are:

Existing ecotourism sites	Proposed ecotourism sites[vii]
1. Kanha National Park	7. Amarkantak and Dindori Forests
2. Bandhavgarh National Park	8. Dumna Ecotourism Centre, Jabalpur
3. Panna National Park	9. Kathotia Adventure Point
4. Pachmari and Satpura Tiger Reserve	10. Ralamandal Wildlife Sanctuary
5. Pench National Park	11. Chambal River
6. Madhav National Park	12. Ratapani Wildlife Sanctuary
	13. Orchha Nature Reserve

	14. Jhinna Forest Camp

iv.   Uttarakhand

The tourism policy of the state states that "Uttarakhand has a rare diversity of flora and fauna. This makes it an ideal area for developing eco-tourism, projects and activities like jungle safaris, trekking on mountain and forest trails, nature walks, catch and release angling for *mahaseer* and other fish species. All these activities have to be conducted in a manner that promotes awareness of environment and helps maintain the fragile ecological balance". And for the sake of wildlife tourism: "Along with the world-famous Corbett National Park, Uttarakhand has several other breath-taking destinations for Wildlife Tourism. These include the Rajaji National Park, Govind Pashu Vihar, Asan Barrage, Chilla, and Saptarishi Ashram, the last four being a delight for bird watchers". [viii] The policy also plans to develop Integrated Eco-Tourism projects and take steps to promote eco-friendly tourism activities like jungle safaris, nature walks, mountain treks, camping, etc. in a manner that also promotes awareness and sensitivity towards environment conservation.[ix]

b.   *Status of laws, policy and guidelines for ecotourism*

At the national level, there are legal and policy frameworks that have the potential to regulate ecotourism. However, there are serious concerns in the implementation of these laws and policies. The Forest (Conservation) Act, 1980, for example, has been misused for the sake of promoting ecotourism and the National Environment Policy deliberately suggests opening up more wilderness areas for ecotourism. Both central and state policies and plans propagate ecotourism and do not take account of the existing laws and other policies.

i.   Legal Framework

The laws pertaining to ecotourism are current environment and forest laws; there are no laws on tourism at the national or state levels.

1. Wild Life (Protection) Act, 1972: The Act permits tourism in protected areas along with scientific research and wildlife photography. However, the character and volume of tourism in protected areas has changed considerably since this law was framed. Hence, there is an urgent need to amendment the Act or at least bring out guidelines that regulate tourism and tourist activity in and around the protected areas.

2. Forest (Conservation) Act, 1980: The law prohibits conversion of forest land for 'non-forest' activities (any activity that does not support protection and conservation of

forests). However, ecotourism is being propagated on the notion that it supports conservation and hence is being allowed in forest areas. Although this Act has the potential to regulate ecotourism, there is an urgent need to verify the claim that ecotourism supports conservation in the context of implementation of this Act.

3. Environment (Protection) Act, 1986: Under this Act, there are two very important Notifications that are closely linked to the development of ecotourism – the Coastal Regulation Zone Notification, 1991, and Environmental Impact Notification, 2006.
   a. Coastal Regulation Zone Notification, 1991: This is an important piece of legislation guiding anthropogenic activities along the coast. However, twenty amendments have been made to the Notification over the years which have diluted and rendered many of the protective clauses meaningless.
   b. Environmental Impact Assessment Notification, 2006: The Notification has totally omitted Environmental Impact Assessments for tourism projects as against its predecessor, the Notification of 1991, that required Environmental Impact Assessments of tourism projects.

ii.   Policy Framework

1. National Biodiversity Strategy and Action Plan: The plan deals with gross impacts of tourism activities in major ecosystems and also focuses on principles in relation to tourism and biodiversity that need to be adopted for the sake of conserving biodiversity. The Ministry of Environment & Forests – Government of India has rejected the NBSAP on grounds of it being unscientific. The preparation of the NBSAP was one the most participatory processes in Indian history.

2. National Environment Policy 2006: The Policy promotes ecotourism in many fragile ecosystems and overlooks tourism as an impacting agent.

3. Ecotourism Policy & Guidelines, 1998: Drawing from international guidelines[x] prepared by tourism industry associations and organisations, the Ecotourism[xi] Policy & Guidelines, 1998 issued by the Ministry of Tourism – Government of India represent interests of global industry players. The policy approach is environmental protection for the sake of profits. The policy outlines all ecosystems of India as ecotourism resources and states that these have been well protected and preserved.

Where the policy enlists its principles and elaborates operational aspects for key players in the ecotourism business, the role of communities is considerably reduced to protecting environmental resources and providing services to tourism in the role of 'hosts'. An environment protected by communities is a resource for ecotourism when tourists experience the natural beauty. Indigenous and local communities become important "stakeholders" thereby becoming subservient to a process where environmental protection is vested from their control and is being pursued for the sake of supporting economic enterprise. What the policy fails to realise is the cross linkages between ecotourism and the social, cultural, economic and institutional processes of indigenous and local communities. Their lives are very closely linked to the environment they live in and their customs and traditions bear strong linkages to it.

4. Andaman & Nicobar Islands Tourism Policy: This is a rather simplistic document serving very little of its purpose of providing guidelines and principles for implementation[xii].

5. Chhattisgarh does not have an ecotourism policy. Information on ecotourism sites is provided on the official website[xiii] which states that one of the major objectives of the policy is to promote economically, culturally and ecologically sustainable tourism in the State; with ecotourism in the three national parks and eleven wildlife sanctuaries.

6. Madhya Pradesh's Ecotourism Policy, 2007[xiv]: salient features include development of infrastructure, promotion of lesser known areas, diversification of tourism activities, building awareness and securing local community and private sector participation. Ecotourism activities will include nature camps, eco-friendly accommodation, trekking and nature walks, wildlife viewing and river cruises, adventure sports, angling, herbal ecotourism, urban ecotourism through eco-parks, visitor interpretation centres, and conservation education.

7. Uttarakhand does not have a separate ecotourism policy but the development of ecotourism has been included in the tourism policy of the state[xv], which was formulated in April 2001. The Policy's vision is to elevate Uttarakhand into a major tourist destination both nationally and internationally and make Uttarakhand "synonymous to tourism". It wishes to develop this sector in an "eco-friendly manner, with the active participation of the private sector and the local host communities". And finally, it wishes to develop tourism as a major income earner for the state and as a source of employment to the extent of being "a pivot of the economic and social development in the State".

5. Analysis of the Impacts of Ecotourism on Community Governance

a. *Local Self Government of Indigenous and Local Communities - Constitutional status and Scheduled Areas*

The indigenous peoples are accorded rights under Article 244 (Administration of Scheduled Areas and Tribal Areas) of the Indian Constitution. Article 244 lays down provisions for notifying certain indigenous peoples as Scheduled Tribes and the areas that are occupied by indigenous peoples as Scheduled Areas. The Fifth Schedule of the Indian Constitution provides protection to the indigenous people living in the Scheduled Areas and gives them the right to self-rule. It also re-enforces the rights of the indigenous peoples to territorial integrity and to decide on their own path of development. It disallows the transfer of tribal lands to non-tribals and corporate entities. The Constitution of India, through its 73rd Amendment, paved the way for a separate and progressive legal and administrative regime for tribal areas for a genuine tribal self-rule. This was done by enactment of the Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA).[xvi]

PESA is a comprehensive and powerful law that empowers the *gram sabha*[xvii] of the Scheduled Areas to address issues that emerge in their day to day lives. PESA has attempted to decentralise the control and management of natural resources and several functions of social relevance including adjudication of disputes in accordance with prevalent traditions and customs. It needs to be said that perhaps no law in independent India has talked so eloquently about 'customary law', 'community resources', village as a community, village people safeguarding their 'traditions and customs', and so on.[xviii]

Under PESA, the *gram sabha* is empowered to approve plans, programmes for social and economic development, identify beneficiaries under poverty alleviation programmes, certify utilization of funds by *gram panchayats*, protect common property resources, including minor forest produce and be consulted prior to land acquisition. Some states have given powers to *gram sabhas*, through standing committees, thereby providing a model for emulation in the PESA areas.

The 73rd and 74th Amendments to the Indian Constitution recognise the principle of participatory democracy by creating and empowering local self-government institutions in rural India through '*panchayats*'[xix] and in urban India through 'municipalities'. Under the section 'Empowerment of Institutions of Local Government', Article 243-G of the Indian Constitution "directs the Central and State government machinery to endow panchayats and municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government with respect to –

- The preparation of plans for economic development and social justice

- The implementation of schemes for economic development and social justice in relation to matters listed in the Eleventh Schedule for panchayats and Twelfth Schedule [of the Indian Constitution] for all urban local bodies".

With respect to tourism alone, there are 29 subjects that fall within the purview of rural and urban local self governments, some of which are given below:

1. Acquisition of land for development projects; rehabilitation and resettlement of persons affected by any projects undertaken in Scheduled Areas
2. Regulation of land use and construction of buildings
3. Regulation of use of minor forest produce
4. Sourcing water for domestic, industrial and commercial purposes
5. Construction of roads, culverts, bridges, ferries, waterways and other means of transport and communication in the region
6. Electrification.

The rights of local self government institutions in relation to ecotourism development *inter alia* are:

1. Licensing of tourism projects, buildings and activity areas including the right to reject a licence to the tourism industry if it refuses to cooperate
2. Levy and collect appropriate taxes, duties, tolls and fees
3. Participate in the preparation of plans for economic development and social justice
4. Monitor tourism industry's exploitation of labour and natural resources and initiate criminal procedures on exploitation of women and children, including child labour by the tourism industry.

There are however various other factors that have constrained the ability of panchayats to function effectively as institutions of local self-government in India. Lack of adequate transfer of powers and resources to local government bodies, their inability to generate sufficient resources and issues like non-representation of women and weaker and marginalized sections in elected bodies are some issues that have handicapped the institutions of local self government.

b. *Ecotourism as a market-based conservation mechanism*

Ecotourism is undoubtedly big business across the world. When the United Nations Environment Programme with blessings of the World Tourism Organisation (now UNWTO) designated year 2002 as the International Year of Ecotourism, it received vociferous support and sponsorship from the tourism industry and travel associations. The reason was simple – 'ecotourism' was the magic *mantra* that enabled the tourism industry to pacify critics by using the language of conservation while attempting to manage the adverse environmental footprints of tourism while not compromising on

profits. This green-washing was starkly evident to communities and groups in developing countries – which were the target for ecotourism – who wrote to UNEP and IYE organisers registering their protest and concerns. But despite these efforts, ecotourism continues to be a popular concept for governments and industry to adopt. There are those who think that brand 'ecotourism' has run its course and is on its way out, especially in the west and tourist-source countries. But sadly, this is not the case in countries like India where ecotourism continues to garner popularity and attention as a feasible concept thereby achieving active government support and industry investment. Ecotourism continues to be a popular option because of its claim to support conservation attempts through the market-based mechanism.

Estimates place the value of the ecotourism market in developing countries close to USD 400 billion annually[xx]. India has a substantial share of this market on account of its rich biological and cultural diversity and heritage and entrepreneurship skills in the tourism industry that have capitalised on ecotourism. The main incentives for the development of ecotourism have been through private capital, UN agencies and, more recently, involvement of international financial institutions like the World Bank and Asian Development Bank.

Parties to the Convention on Biodiversity (CBD) have embraced market-based approaches to biodiversity conservation. A strong push for such approaches came from the debate about Biological Diversity and Tourism, which was first initiated in 1999 and led to an extensive discussion about the negative and positive impacts of tourism on biodiversity at the fifth Conference of the Parties of the Biodiversity Convention in 2000. Despite a number of cautionary statements about the many things that can go wrong when tourism is being promoted in biodiversity-rich areas, Decision V/25 of the Conference of the Parties states that "tourism does present a significant potential for realizing benefits in terms of the conservation of biological diversity and the sustainable use of its components". In the same decision the Conference of the Parties also notes that "Historical observation indicates that self-regulation of the tourism industry for sustainable use of biological resources has only rarely been successful". Despite this acknowledgement of the inherent limitations of voluntary approaches, the Parties to the CBD subsequently embarked on a process to elaborate voluntary guidelines for Biodiversity and Tourism Development, which were adopted by the 7th Conference of the Parties to the CBD. The need to involve indigenous peoples and local communities in tourism development is mentioned in these guidelines, but only as a voluntary measure. As recognized by the CBD, it is extremely hard for communities to compete in a market that is "fiercely competitive" and "controlled by financial interests located away from tourist destinations" (decision V/25, Conference of the Parties). Also, negative impacts on local communities can be significant as "operators are very likely to 'export' their adverse environmental impacts, such as refuse, waste water and sewage, to parts of

the surrounding area unlikely to be visited by tourists" (decision V/25 of the Conference of the Parties).

c. *Ecotourism and Community Governance*

There have been problems and even hurdles for local self government institutions to function effectively, and there are several instances from across India where ecotourism ventures and activities have been carried out without the consent of local self governments. This is because of the power play of the ecotourism industry lobby and higher authorities like the tourism, forest departments who have usurped the functions, bypassed the due processes and overruled the decisions of local self government institutions.

i. *Democratic deficit in decision making*

The Constitutional Amendment and enactment of laws pertaining to functions and powers of local government institutions at state levels have by definition devolved powers to the *panchayats*, but these have not been implemented in letter and spirit.

There appears to be no space in the present governance structure for discussing issues such as tourism between the *panchayat*s and bureaucracy; there have been no attempts made so far to create such a space. Tourism, being a cross-cutting issue that touches upon the social, economic, environmental, cultural and institutional aspects, is complex and hence sharing of information and a space for dialogue between panchayats and tourism and forest departments is essential.

The *panchayats* are not consulted when tourism projects or plans are prepared by the governments or by any other party. They only get to know about the project at the implementation stage after all clearances have been given by other departments, and when the party or parties seek a token 'No Objection' Certificate from the *panchayat* to go ahead with construction. At this stage, the *panchayats* feel they cannot refuse because clearances have already been given by other departments. Therefore, there is an absolute deficit of information and consultation required in democratic decision making on ecotourism development.

A good example of unilateral decision making by state governments is in the matter of allocating land for ecotourism purposes. It needs to be borne in mind that diversion of forest land for ecotourism purposes is done only by the forest departments where they themselves undertake ecotourism development activities; forest land cannot be passed on to private players, or for that matter to communities. Non-forest land comprising agriculture and grazing land is leased out to private developers by the governments either by acquiring it from local self governments or by simply leasing

it in their name. This is sometimes even done in Scheduled Areas wherein such acquirement and transfer of land is constitutionally not permissible.

ii.   Pressure on local self government institutions without commensurate gains

The local self government institutions are also pressurised by ecotourism development to go beyond their mandate of providing essential public services to local people and catering to needs of tourists. Here are some examples that have a direct connection with tourism:

- *Wastes, especially solid wastes* – the panchayats are forced to clean up the mess caused by tourists. Sometimes, repeated requests to the state departments to either take care of collection and disposal of the wastes or provide additional funds to the *panchayats* to do so has not elicited any kind of response from them.
- *Amenities* – All rural schemes are implemented by the *panchayats*. The *panchayats* are also responsible to establish amenities for the use of the public. While there is no separate budgetary provision for tourism *per se*, the amenities put up by the *panchayats* are also used by tourists. Sometimes the *panchayats* are also pressurised to put up amenities like public toilets to cater to demands of increasing tourist numbers.

iii.   Loss of benefits arising from use of biodiversity

The loss of benefits to local self government institutions is not direct and needs to be understood in the context of loss of benefits to indigenous and local communities. First of all, when the Ministry of Environment & Forests - Government of India took steps for setting up protected areas, large populations of indigenous and local communities were displaced when national parks and wildlife sanctuaries were notified[xxi]. And now, the forest departments of many Indian states, including the states selected for this case study, are planning to develop ecotourism in many of these protected areas. In many cases, the operations involve the services of indigenous and local communities in the form of guides and workers in lodges etc. While there are inherent problems in the manner in which this form of ecotourism is done, i.e. largely driven by forest departments and corporations with little participation of communities in decision making and with benefits largely going to state exchequers, private entrepreneurs, ecotourism is nevertheless being promoted as a conservation scheme.

Secondly, many protected areas have witnessed a growth in the number of resorts, lodges and hotels on their peripheries. This has led to privatisation of common property resources through the process of acquisition by governments and transfer, through leasing, to private corporations and entrepreneurs. This has led to loss of benefits accruing from use of minor forest produce and, in some cases, loss of pastureland.

Community-owned ecotourism initiatives are still playing a marginal role compared to the other schemes, which are often labelled as ecotourism and developed by large, often global, tour operators.

The communities consider ecotourism as a source of sustainable livelihood supplement and are not looking to compete for markets. It is extremely hard for communities to compete with a market that is fiercely competitive and which controlled by financial interests in tourist destinations. Most often, governments have overlooked these initiatives and have extended little support. On they other hand, they have promoted different versions of tourism as ecotourism with no semblance of conservation.

Attempts like the World Bank supported Joint Forest Managements and India Eco Development Projects have not contributed much to this impasse since they did not address core issues of community control and access to natural resources. When ecotourism development permeates these realms of control, the fundamental issues of community rights remain unresolved and the stewardship is shifted to the ecotourism industry and its players from the community.

Conclusion

The basis of the rights-based approach in development of ecotourism is **the 73rd and 74th Amendment to the Constitution of India**, which accords rights to local self government institutions, bringing into their jurisdiction matters related to land, water, socio-economic development, infrastructure development, social welfare, social and urban forestry, waste management and maintenance of community assets. Ecotourism development falls under the purview of these subjects and therefore decision making by the local self government institutions is important. The local self government institutions need to be involved in all level of ecotourism development from approval of the project, to planning, implementing, development, marketing, evaluating, monitoring, and research. The local self government institutions have the right to formulate regulatory frameworks and the onus of ensuring compliance from the tourism industry would rest on the state governments, and need to be drawn from the multilateral environmental agreements. The Amendments have also strengthened women's participation in decision-making in all levels of the three-tier governance system. Their role in charting the course of tourism development in accordance with community aspirations needs must be reinforced.

In addition to this, the Indian Parliament passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in December 2006. This is historic legislation that has been passed in recognition of forest community's rights. The Act grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws mentioned above, and makes a beginning towards giving communities and the public a voice in forest and wildlife conservation[xxii]. The implementation of this Act may help in reiterating the role of

communities in protecting and managing forests, and to ensure benefits arising from the use of biodiversity.

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Notes

[i] http://www.world-tourism.org/sustainable/IYE/WTO-UNEP-Concept-Paper.htm data retrieved June 2008

[ii] The geographic scope of this case study on ecotourism is restricted to the Andaman Islands because of the Protection of Aboriginal Tribes Act, 1956, which *inter alia* recognises the rights of Nicobarese over their lands and prohibits access and residence of non-Nicobarese in Nicobar except with the permission of the Deputy Commissioner. Therefore, by extension of this Act, tourism is also prohibited in the Nicobar Islands.

[iii] http://www.newindpress.com/NewsItems.asp?ID=IEH20040605142646&Page=H&Title=Top+Stories&Topic=0& "Super resorts planned in Andaman & Nicobar, Lakshadweep" 6 June 2004.

[iv] Andaman & Nicobar Administration, Directorate of IP&T, "New Eco-Tourism Circuit at Baratang" – press release, Port Blair, 4 Nov 2004.

[v] The Daily Telegram, "Lt. Governor inaugurates eco-huts at Mount Harriet", Port Blair, 18 July 2004.

[vi] http://chhattisgarh.nic.in/tourism/tourism1.htm data retrieved June 2008

[vii] www.mpecotourism.org data retrieved June 2008

[viii] http://gov.ua.nic.in/uttaranchaltourism/Policy1_asset.html data retrieved June 2008

[ix] http://gov.ua.nic.in/uttaranchaltourism/Policy1_action.html data retrieved June 2008

[x] The international guidelines are:
1. Guidelines for the development of National Parks and Protected areas for Tourism of the UN WTO (World Tourism Organization)
2. PATA Code for Environmentally Responsible Tourism
3. Environmental Guidelines for the World Travel and Tourism Council (WTTC)
4. The Himalayan Code of Conduct prepared by the Himalayan Tourism Advisory Board
5. Ecotourism Guidelines by The International Ecotourism Society.

[xi] The Policy defines ecotourism as drawn up by the UNWTO: "tourism that involves travelling to relatively undisturbed natural areas with the specified object of studying, admiring and enjoying the scenery and its wild plants and animals as well as any existing cultural aspects (both of the past or present) found in these areas." The policy enlists the key elements of ecotourism as being: a natural environment as the prime attraction; environment friendly visitors; activities that do not have a serious impact on the ecosystem; and a positive involvement of the local community in maintaining the ecological balance.

[xii] The one-page document simply states its vision to develop the Islands: '…*as a quality destination for eco-tourists through environmentally sustainable development of infrastructure without disturbing the natural eco-system with the objective of generating revenue, creating more employment opportunities and synergies and socio-economic development of the island'* (Directorate of Information, Publicity & Tourism, 2003, http://www.and.nic.in/Tourism_policy.doc data retrieved March 2006)

[xiii] http://chhattisgarh.nic.in/tourism/tourism1.htm data retrieved June 2008

[xiv] http://www.mpecotourism.org/ecotourism_policy.asp data retrieved June 2008

[xv] http://gov.ua.nic.in/uttaranchaltourism/Policy1_vision.html data retrieved June 2008

[xvi] See the full act at http://ncscst.nic.in/panchayats.htm

[xvii] the general body of the village's local self government institution

[xviii] Implementation of PESA, from PRIA, New Delhi, Compiled by Alok Srivastava, Resource Person; additional research by Happy Pant, Research Officer, 23 December, 2005

[xix] The word panchayat means Council of Five Village Elders (from Hindi *panch* meaning five); local self government institution, comprising of one or more than one village.

[xx] "How Green is My Tourism?" *Express Hoteliers and Caterers,* 2004

[xxi] "Based on a ruling of the Supreme Court of India, the Indian Ministry of Forests and Environment passed an order to evict all encroachments from forested areas by the 30th of September 2002. While it is not clear how and whether this order has really affected the powerful and land hungry encroachers, it has created absolute havoc in the lives of the thousands of forest dependent communities. Many of these people being thrown out of their houses and cultivated lands are people who have no other source of revenue and are being called encroachers because of their names having not entered the official land records for no fault of theirs".
An e-mail statement issued by Kalpavriksh - Environment and Action Group, India, September 2002.

[xxii] Campaign for Survival and Dignity, The Forest Rights Act, http://forestrightsact.awardspace.com data retrieved June 2008.