



# Case study: Ecotourism and community governance in India



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## Introduction

The term 'ecotourism' was coined by a marketing agency promoting Costa Rica as a holiday destination; since then ecotourism has been seen as a niche market by the tourist industry and its backers.

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."*

Ecotourism is undoubtedly big business across the world. When the United Nations Environment Programme designated 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 - under the guise of managing tourism's adverse environmental impacts - without compromising on profits. But the resulting 'greenwash' has been starkly evident to many communities and groups in developing countries who have been on the receiving end of ecotourism. Many have registered their protests and concerns with UNEP and the organizers of the International Year of Ecotourism. However, despite these efforts ecotourism continues to be a popular concept amongst governments and industry.

Estimates place the value of the ecotourism market in developing countries close to US\$ 400 billion annually. India has a substantial share of this market, thanks to its rich biological and cultural diversity and

heritage, together with entrepreneurship skills in the tourism industry. The main drivers of the development of ecotourism in India have been private capital, UN agencies and more recently, international financial institutions such as the World Bank and the Asian Development Bank.

## Tourism as a conservation mechanism

In many countries, including India, ecotourism continues to attract government support and industry investment because of its claim to support conservation goals through the market. Parties to the Convention on Biodiversity (CBD), for example, have embraced market-based approaches to biodiversity conservation. The fifth Conference of the Parties (COP-5) to the CBD, in 2000, for example, saw extensive discussion about the negative and positive impacts of tourism on biodiversity.

However, despite a number of cautionary statements about the many things that can go wrong when tourism is promoted in biodiversity-rich areas, COP-5's Decision V/25 stated 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."*

Nevertheless, the same decision also notes that *"Historical observation indicates that self-regulation of the tourism industry for sustainable use of biological resources has only rarely been successful."* Nevertheless, 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 (COP-7), in 2004. The need to involve Indigenous Peoples and local

communities in tourism development is mentioned in these guidelines, but only as a voluntary measure.

As also 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"* (COP-5, Decision V/25). 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"* (COP-5, Decision V/25).

### **Ecotourism in India**

India's tourism industry sees ecotourism as its unique selling point, and promotes it as an antidote to the development problems of hitherto 'untouched' areas.

Despite the lack of consensus between the industry, indigenous and local communities, and government and non-governmental organizations, tourist operators are bringing more and more tourists to fragile regions such as forests and coasts, and opening up new biodiversity-rich areas to tourism, regardless of their Protected Area status.

NGO EQUATIONS conducted a case study to test their hypothesis that *"In the absence of coherent policy, regulation and guidelines, ecotourism has impacted biodiversity; lives and governance systems of communities. This has resulted in the 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, and have a reduced say in matters that affect them."*

EQUATIONS conducted their case study through interviews, focus group

discussions, field observation and travelling as tourists to get first-hand experience of how local community members interact with tourists. Their findings were compared with the official view, through a study of official websites and promotional materials.

The case study looked at four States, all of which have diverse ecosystems and populations which are predominantly composed of indigenous groups.

The four States are:

- Andaman & Nicobar Islands
- Chhattisgarh
- Madhya Pradesh
- Uttarakhand  
(formerly Uttaranchal)

**The Andaman Islands** are an archipelago situated in the Bay of Bengal, the home for four primitive tribes that are almost on the verge of extinction. Yet the Islands Administration's Department of Environment & Forests has proposed the opening up of 23 areas for ecotourism, and in 2004 the national Ministry of Tourism announced an enhancement of private investment, from just over US\$1 million to more than US\$22 million, to build super resorts and luxurious hotels in the Islands. The Islands' Directorate of Information, Publicity and Tourism also proposed a new ecotourism circuit, at Baratang, in November 2004.

**Chhattisgarh and Madhya Pradesh** are located in Central India and contain forest ecosystems that contribute significantly to India's forest cover and biological diversity. Chhattisgarh is a tribal state, carved out of Madhya Pradesh in 2001. It has several 'virgin attractions' in protected areas, which *"are all exhilarating destinations being promoted for nature and wildlife tourism. Wildlife areas, camping grounds and trekking facilities*





*Community enterprise, Andamans*

would be a few of the prime attractions.” Policy further states that the endangered Wild Buffalo (*Bubalis bubalis*) and Hill Myna (*Graculis religiosa peninsularis*), the state animal and state bird respectively, will be protected by ecotourism. Madhya Pradesh already has six ecotourism sites, including National Parks and a Tiger Reserve, and eight new sites are proposed.

**Uttarakhand** spans the Himalayas, the trans-Himalayan hill ranges of the Shivaliks and forest ecosystems. Uttarakhand is also a tribal state, created from Uttar Pradesh in 2001. Its Tourism Policy 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.”*

The policy also plans to develop Integrated Eco-Tourism projects; and to take steps to promote eco-friendly tourism activities like jungle safaris, nature walks, mountain treks and camping, in a manner that also promotes awareness and sensitivity towards environmental conservation.



*Chitrakot falls, Chhattisgarh*

## **Legal and policy framework**

India has no laws on tourism per se, at either the national or State level. Yet it does have legal and policy frameworks that have the potential to regulate ecotourism. However, there are serious concerns about how these are implemented.

### **National laws**

#### ***Wild Life (Protection) Act, 1972***

This 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 the law was framed. There is thus an urgent need to amend the Act or at least to introduce guidelines that regulate tourism and tourist activity in and around protected areas.

#### ***Forest (Conservation) Act, 1980***

This Act prohibits conversion of forest land for 'non-forest' activities (any activity that does not support the protection and conservation of forests). However, the idea that ecotourism supports conservation means that it is allowed in forest areas. Although this Act has the potential to regulate ecotourism, there is an urgent need to verify the underlying claim that ecotourism supports conservation.

#### ***Environment (Protection) Act, 1986***

Under this Act, there are two very important Notifications that are closely linked to the development of ecotourism:

- a. Coastal Regulation Zone Notification, 1991: This is an important law governing activities along the coast. However, twenty amendments to the Notification have diluted it and rendered many of the protective clauses meaningless.

b. Environmental Impact Assessment Notification, 2006: The Notification omits Environmental Impact Assessments for tourism projects, unlike its predecessor, the Notification of 1991, which required them.

### **National Policy Framework**

#### ***National Biodiversity Strategy and Action Plan (NBSAP)***

The plan deals with gross impacts of tourism activities in major ecosystems. It also focuses on principles in relation to tourism, which need to be adopted for the sake of conserving biodiversity. However, India's Ministry of Environment and Forests has rejected the NBSAP on the grounds that it was 'unscientific', in spite of the fact that the preparation of the NBSAP was one of the most participatory processes in Indian history.

#### ***National Environment Policy 2006***

This policy promotes ecotourism in many fragile ecosystems and overlooks tourism's negative impacts.

#### ***Ecotourism Policy & Guidelines 1998***

Drawing from international guidelines prepared by tourism industry associations and organizations, the Ecotourism Policy & Guidelines 1998 issued by the Ministry of Tourism represents the interests of global industry players. The policy considers all India's ecosystems as ecotourism resources and states that have been well protected and preserved. The role of communities is limited to protecting environmental resources and providing services to tourism in the role of 'hosts'.

### **State Policy Framework**

#### ***Andaman and Nicobar Islands Tourism Policy***

This is a rather simplistic document serving very little of its intended purpose, which is providing guidelines and principles for implementation.

**Chhattisgarh** does not have a separate Ecotourism Policy but

development of ecotourism is included in the state's Tourism Policy of 2006. The Policy states that specific areas of natural attraction, including wildlife areas will be developed for ecotourism activities like camping and trekking. This will be done through participation of local communities. The state's rich biodiversity will be promoted by setting up gardens of herbal medicines and promoting ayurveda resorts. While, the State's official website enlists its three national parks and eleven wildlife sanctuaries as ecotourism attractions, the Tourism Policy 2006 has identified protected areas such as Kanger Valley National Park, Barnawapara, Sitanadi, Udanti and Achanakmar Wildlife Sanctuaries for the development of ecotourism.

#### ***Madhya Pradesh's Ecotourism Policy 2007***

s 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 centers, and conservation education. This is nothing but mass tourism with a greenwash.

**Uttarakhand** does not have a separate Ecotourism Policy but the development of ecotourism has been included in its general Tourism Policy, formulated in April 2001. The vision is to elevate Uttarakhand into a major tourist destination both nationally and internationally and make the state "synonymous with 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.”*

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

Article 244 (Administration of Scheduled Areas and Tribal Areas) of the Indian Constitution contains 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 these Areas and gives them the right to self rule. It also reinforces the rights of the indigenous peoples to territorial integrity and the right 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)*.

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 (village assemblies) 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.”*

With respect to tourism alone, there are 29 subjects that fall within the *panchayats’* remit, including:

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

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

- Licensing of tourism projects, buildings and activity areas including the right to reject a license to the tourism industry if it refuses to cooperate.
- Levy, collect and appropriate taxes, duties, tolls and fees.
- Participate in the preparation of plans for economic development and social justice.
- Monitor tourism businesses in relation to the exploitation of labor and natural resources and initiate criminal procedures regarding the exploitation of women and children, including child labor, by the tourism industry.

However, various factors have constrained *panchayats’* ability to function effectively as institutions of local self-government. These include the lack of adequate transfer of powers and resources to local government bodies, their inability to generate sufficient resources, and the non-representation of women and weaker sections of the community in elected bodies.



## Findings

### ***Undermining community governance***

There are several instances across India where ecotourism ventures and activities have been carried out without the consent of local self government institutions. The tourism industry and higher authorities such as Tourism and Forest Departments have usurped their functions, bypassed due processes and overruled decisions of local self government institutions.

### ***Democratic deficit in decision making***

Whilst powers have been devolved to the *panchayats*, this has not been implemented in letter and spirit.

Tourism is a complex cross-cutting issue that touches upon the social, economic, environmental, cultural and institutional aspects, and hence sharing of information dialogue between *panchayats* and the Tourism and Forest Departments is essential. Yet there appears to be no space in the present governance structure for discussion between the *panchayats* and bureaucracy; there have been no attempts made so far to create such a space.

There is an absolute deficit concerning the information and consultation that should be part of democratic decision-making on ecotourism development. The *panchayats* are not consulted when tourism projects or plans are prepared by the governments or by any other party. Often they only become aware of plans at the implementation stage, when developers 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.

A good example of unilateral decision making by state governments is in the matter of allocating land for ecotourism purposes. Whilst diversion of forest land for ecotourism purposes is done

only by the Forest Departments, when they themselves undertake ecotourism development activities, non-forest land such as farm or grazing land is leased out to private developers by the governments either by acquiring it from local authorities or by simply leasing it in their name. This even happens in Scheduled Areas, where such acquirement and transfer of land is constitutionally not permissible.

### ***Pressure on local self government institutions without commensurate gains***

The local self government institutions are also pressurized by ecotourism development to go beyond their mandate of providing essential public services to local people, and catering to the needs of tourists. For example:

- *Wastes, especially solid wastes* – the *panchayats* are forced to clean up the mess left by tourists. In some cases, state departments have failed to respond to repeated requests to either collect and dispose of waste or provide additional funds to the *panchayats* to do so.
- *Amenities* – the *panchayats* are responsible for providing basic amenities for local people. While there is no separate budgetary provision for tourism, these facilities are also used by tourists. Sometimes the *panchayats* are also pressurized into providing amenities such as public toilets to cater to the demands of increasing numbers of tourists.

### ***Loss of benefits arising from use of biodiversity***

When the Ministry of Environment and Forests set up Protected Areas, large populations of indigenous and local communities were displaced to create national parks and wildlife sanctuaries. Now the Forest Departments of many Indian states, including those selected for this case study, are planning to develop ecotourism in many of these Protected Areas. In many cases, the





*Chhattisgarh ecotourism*

operations involve the services of indigenous and local communities in the form of guides and workers in lodges, etc.

Secondly, resorts, lodges and hotels have grown up on the peripheries of Protected Areas. This has led to the privatization of common property resources through the process of acquisition by governments and leasing to private corporations and entrepreneurs. This has led to communities losing the benefits of forest produce and, in some cases, losing pastureland.

Furthermore, community-owned ecotourism initiatives are still playing a marginal role compared to schemes developed by large, often global, tour operators. The communities view ecotourism as a way of supplementing their livelihoods rather than competing for markets. Yet it is extremely hard for communities to hold their own in a fiercely competitive market. Most often, governments have extended little support to community-owned initiatives. On the other hand, they have

promoted different versions of tourism as ecotourism even if they have no semblance of conservation.

The World Bank-supported Joint Forest Managements and India Eco Development Projects have not contributed much to this impasse either, since they did not address the core issues of community control and access to natural resources. The fundamental issue of community rights remains unresolved and stewardship is shifted from the community to the ecotourism industry and its players.

## **Conclusion**

There are inherent problems in the manner in which ecotourism is being developed in India. It is largely driven by Forest Departments and corporations, with communities having little participation in decision-making. As a result, the benefits largely go to state exchequers and private entrepreneurs.

Both central and state policies and plans propagate ecotourism without taking account of existing laws and other policies. As set out earlier, there is an urgent need to amend legislation to take account of the scale and impacts of ecotourism and the potential for further development.

The 73rd and 74th Amendments to India's Constitution 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 from the local self government institutions is important. The local self government institutions need to be involved in all levels 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 needs to be drawn from relevant multilateral environmental agreements.

The Amendments have also strengthened women's participation in decision-making through reservation in all levels of the three-tier governance system. Their role in charting the course of tourism development in accordance with community aspirations must be reinforced.

In addition to this, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, passed in 2006, grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws mentioned above, and takes a first step towards giving communities and the public a voice in forest and wildlife conservation. The implementation of this Act may help in reiterating the role of communities in protecting and managing forests, and to ensuring the benefits arising from the use of biodiversity.

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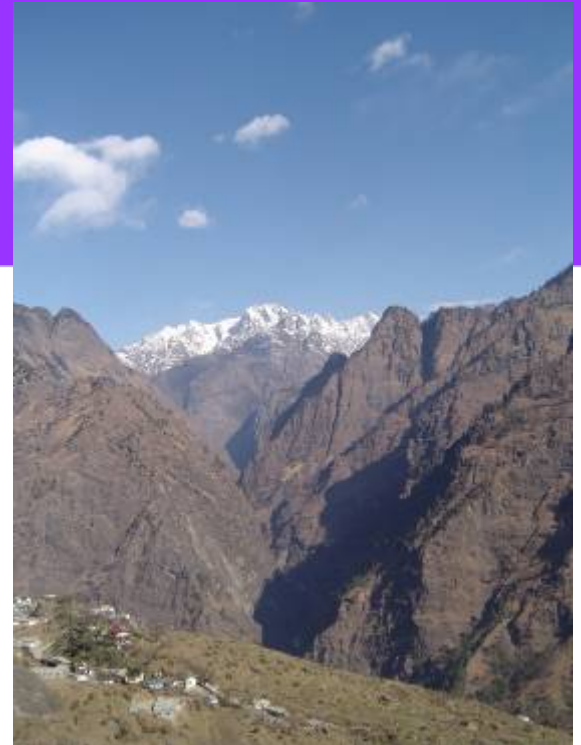
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*Lata village, Uttarakhand*



EQUATIONS is a non-governmental organization involved in campaigning and advocacy on tourism and development issues in India since 1985. Our work has focused on tourism and its impacts on women, children, ecosystems, indigenous people and communities dependent on natural resources. Over the years, our work has focused on issues surrounding the role of *panchayats* and other institutions of local self governance in the context of influencing tourism policy and implementation, community participation in decision-making and community benefits and the struggle for sustainable, equitable and people-centered tourism development in the shadow of trade liberalization and corporate globalization.