



# **ECOTOURISM AND CHALLENGES FOR SUSTAINABLE WILDLIFE MANAGEMENT AND INDIGENOUS PEOPLE**

**SUB-THEME: WILDLIFE CONSERVATION VS. TOURISM VS. RIGHTS OF  
INDIGENOUS PEOPLE**

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## **ABSTRACT**

The tourism industry With the rapid development of tourism all over the world, it was found that lots of people and environmentalists are more concerned about its impact on the environment. As a result, PATA and WTO have established a conference at Bali in 1993 and discussed the relationship between wildlife tourism and the environment. India is a nation that has enacted several legislations and separate environmental perspectives like Ministry of Environment and Forest to monitor the use of land. And also, Environment Tribunal, Green Benches, and the National Environmental Appellate Authority have been established for a mandatory public hearing. Therefore, the present study mainly examines the environment legislations and its importance and effectiveness in wildlife tourism development also indicates that tourists are not aware of the several environmental laws so its suggested to make existing laws more effective that enhancing the awareness and generating the importance and relationship between wildlife tourism and environment.

Ecotourism is very burning issue and one of the fastest growing sectors in current world tourism industry. Especially developing countries like India are trying to use ecotourism as a tool to achieve sustainable development. The Topic mainly considers current opportunities of ecotourism in India and also one of the fastest expanding industries which been leaving various negative impacts in different areas. The paper also attempt to give critical analysis of ecotourism and challenges for sustainable wildlife management in the case of India and point out some recommendations for better practice of ecotourism. The paper tries to answer the following question: Is ecotourism opportunity or challenge in India? How is ecotourism practiced in the country? Can ecotourism be a beneficial tool for sustainable development of the country? How can ecotourism be very effective means of development and conservation?

**KEY POINTS: Ecotourism, Wildlife Conservation, Indigenous people.**

## **INTRODUCTION**

In recent years, the growth of interest in responsible travel has outpaced that of traditional sun/sand tourism by an increasingly wide margin. With some experts estimating that ecotourism now represents 11.4% of all consumer spending, these sorts of questions have become more and more common. And, as we continue to see more negative impacts of mass tourism on beloved destinations around the world, the answers to these questions will become increasingly vital. Part of the confusion surrounding sustainable travel is the plethora of names being used for it within the industry.

Regardless of what you call it, the central concepts that these philosophies share in common are that the travel industry as a whole should adopt more environmentally friendly practices, protect the natural and cultural heritage of a destination, and support local communities. With the United Nations designating 2017 as the International Year of Sustainable Tourism for Development, this seems like a great time to deepen the conversation about what ecotourism is and why it's important for the future of travel.

## **THE DEFINITION OF ECOTOURISM**

According to The Oxford English Dictionary, the word “ecotour” was first recorded in 1973, followed by “ecotourism” in 1982. There, the word is defined as, “Tourism to areas of ecological interest (typically exotic and often threatened natural environments), especially to support conservation efforts and observe wildlife; spec. access to an endangered environment controlled so as to have the least possible adverse effect.”<sup>1</sup>

Ecotourism was perhaps best defined in 1990 by Megan Epler Wood, the co-founder of The International Ecotourism Society (TIES) and author of six influential books on the subject. Her latest, *Sustainable Tourism on a Finite Planet: Environmental, Business and Policy Solutions*, was released in 2017.

Now the director of the International Sustainable Tourism Initiative at Harvard, Epler Wood's original definition was more simple and to the point. She described ecotourism as, “Responsible travel to natural areas that conserves the environment and improves the well-being of local people.”

One mistake many people make is assuming that ecotourism is all about conserving nature and wildlife by any means necessary. But if a destination or business' tourism development strategy does not actively provide concrete financial benefits for the indigenous people, it's not truly ecotourism.

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1. <https://greenglobaltravel.com>.

CREST currently defines ecotourism as, “Responsible travel to natural areas that conserves the environment, socially and economically sustains the well-being of local people, and creates knowledge and understanding through interpretation and education of all involved community.”

## **Wildlife Protection in India**

There were many enactments to protect the Forest, Environment, Water, Air and Bio-Diversity. All these Acts are directly or indirectly give provisions to the protection of the wildlife. But let me specifically emphasis on Wildlife protection, The Indian Constitution gives ample provisions to protect the wildlife in its territory. Though there are many implied provisions on wildlife protection in the constitution like Art.21, Union, State and Concurrent list, the main Articles which specifically protects the wildlife are Art.48-A and Art. 51-A(g). Art. 48-A says that the state shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country. Art. 51A (g) imposes fundamental duty on the every citizen of India to protect and improve the environment and have compassion for living creatures<sup>2</sup>.

## **Definition of Wildlife**

The Section 2(37) of the Act defines wildlife as wildlife includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat. So the meaning of the wildlife in this Act is very wide and inclusive of all kinds of flora and fauna.

Wildlife protection Acts clearly says that there should not be any kind of encroachment either for the purpose of tourism or even the forest dwellers should not create any kind of effect on the Wildlife.

Government is promoting and allowing the private parties and private tourism industries as well as construction of Resorts and Jungle Cottage Government are repentantly allowing and providing most of the time it is fluttering the rule and it is adversely impacting on the protection of the wildlife.

The wild life protection act of 1993 clearly measure to be taken but these are the thing grossly fluttered now there is important kinds of steps to be taken for promotion and protection of the wildlife and curving the activities of Eco-tourism

## **Definition of Indigenous People**

Definition by ILO: In 1957 a general conference of ILO was held in which they adopted a convention (convention no. 107) for protection and integration of indigenous, tribal and semi-tribal people but in 1985 ILO felt the need to make certain changes in the previous convention because of changes in attitudes and approaches towards these people worldwide. In 1989 the ILO adopts a revised convention no. 169 by recommendation of several

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2. **Wildlife (Protection) Act, 1972: An appraisal**, Written By: Jofin John, SBRR Mahajana Law College, Mysore.

international bodies and an expert committee appointed by ILO which defined indigenous as: "People in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions<sup>3</sup>".

## **Rights of Indigenous Peoples**

The 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) specifically provides that indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources and that States shall establish and implement assistance programmes for indigenous peoples for such conservations and protection, without discrimination (art. 29). Further, it states that indigenous peoples have the right to determine and develop priorities and strategies for

the development or use of their lands or territories and other resources and that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources (art. 32)<sup>4</sup>.

Human Rights treaty bodies have affirmed the rights of indigenous peoples to land and self-determination through their General Comments on the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and Human Rights Committee's jurisprudence of article 27 of ICCPR. The Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization also provides for land rights of indigenous peoples. Decisions from regional human rights systems have also established key jurisprudence on the rights of indigenous peoples to their lands with reference to conservation<sup>1</sup>.

## **THE PRINCIPLES OF ECOTOURISM**

Ecotourism is essentially all about bringing nature/wildlife conservationists, local communities, and the responsible travel industry together to ensure development focused on long-term sustainability rather than short-term profits.

The goal is to develop tourist accommodations, activities, and attractions that benefit everyone involved— the local flora/fauna, the local people, travel industry stakeholders, and travellers alike. With this mission in mind, the ecotourism industry has collectively developed a number of core guiding principles over the past few decades. Although international regulation and accreditation have remained elusive, these guidelines provide a

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3. The Author, Lakshay Bansal is a student of BBA.LLB at Geeta Institute of Law, Panipat. He is currently interning with LatestLaws.com.
  4. Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution. 107th plenary meeting 13 September 2007.

general blueprint for responsible tourism development. Many of these principles align with those of the Global Sustainable Tourism Council, which developed an extensive list of criteria for sustainable destinations, hotels, and tour operators<sup>5</sup>.

1. Build Environmental & Cultural awareness .
2. Design & Operate low-impact tours/facilities
3. Provide Financial benefits for Conservation
4. Provide Financial Benefits for Local People
5. Support Human Rights

## **OBJECTIVE OF THE STUDY**

This unparalleled growth in leisure travel has prompted concerns about its impact on fragile ecosystems and traditional communities and led to the appearance of ecotourism. According to the International Ecotourism Society, ecotourism combines travel to natural areas with principles of sustainability, conservation and direct benefits to local people<sup>6</sup>.

focusing on: minimizing impact, building environmental awareness, providing benefits to conservation and local people, respecting local culture and supporting human rights

1. To assess the contribution of environmental laws exclusively on wildlife tourism.
2. To assess the impact of environmental laws exclusively on wildlife tourism.
3. To examine the different environmental laws and environment protection laws implemented in India.
4. The descriptive analysis of the study was undertaken through a classification framework.

## **Challenges in Ecotourism**

1. Possibility of threat to indigenous people – this may be caused by increase in tourists in their areas whose presence itself may create apprehensions and they may be objectified if they offer to be tour guides.
2. Indigenous Culture deterioration – with increased footfall from tourists and their increased frequency of interaction with the indigenous and tribals, the latter's culture may show signs of aberrations in the long run.
3. Threat of wildlife and its habitat - Though the main objective of ecotourism is to conserve, preserve and protect environment, wildlife, etc., still to achieve this objective itself poses a major challenge as it is easily said than done especially when tourists visit places which are hitherto uninhabited by humans.

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5. Global Sustainable Tourism Council.

6. Ecotourism, Principles, Practices and policies for Sustainability: Megan Epler Wood.

7. Resource crunch – More footfalls by way of ecotourism means more resources used up by way of food, water, shelter, etc. which will be more than that could possibly be replenished naturally and this adds to further stress on environment.
8. Threat to plant life – increased footfalls in ecologically sensitive and bio-diversity areas results in affecting the plant life due to damage to plants and this in turn may lead to soil erosion in such areas.
9. Pollution – Ecotourism to exotic and uninhabited places would entail using modern means of commutation like vehicles, airplanes, etc. which will result in increasing pollution (air, water and noise) in areas which were hitherto serene and pure and also affect the peaceful existence of wildlife.
10. Development threat – When new, exotic and uninhabited locales are opened up for ecotourism in a wider-scale with boost for travel industry, there is always a need for development of hotels, resorts, etc. which might lead to evacuations of tribals and indigenous people and resultant effect is also on the environment and wildlife.
11. Industrialization of ecotourism – so long as ecotourism is managed by Government there is scope for sustainable development of environment and wildlife in India. However, if the ecotourism is expanded to a larger level, then it may be opened up for private entry which will lead to industrialization of ecotourism and these entities may not be motivated to work on sustainable development principles as they will be profit-oriented this will result in disturbing the Wildlife.

## **Analysing the Legislation, Legal Acts and Rules and Policy Framework in International and national**

1. wild life (protection) act, 1972, amendment 1993 and 2002
2. The Forest (Conservation) Act, 1980
3. The Biological Diversity Act 2002
4. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
5. The National Environment Protection Act and Rules.
6. Water related rules and Acts in India.
7. The Water (prevention and control of pollution) act.
8. The Water (prevention and control of pollution) rules.
9. The establishment of central pollution control board.
10. The establishment of Karnataka pollution board for prevention and control of water pollution (procedures for transaction of business).

11. National Coastal & Oceanic Rules and Regulations.
12. Noise and Air Pollution Rules and Regulations in India.
13. National EIA regulations, National biodiversity act and national green tribunal.

## **Role of Indian Judiciary**

In Preserving the Wholesome Environment The Indian judiciary has also contributed in protecting and preserving wholesome environment by giving landmark judgments in various cases are

1. Niramalvedi v. State of Kerala
2. Nagarahole Budakattu Hakku Sthapana Samithi v. State of Karnataka
3. T.N Godavarmman Thirumalpad .V. Union of India and others
4. Kamalnath .V. Union of India

## **Conclusion**

1. Continue finding ways to develop protocols and procedures for the new mechanism of repatriation of indigenous peoples' sacred and cultural items and human remains, including by co-organizing seminars with UN indigenous-specific mechanisms and indigenous peoples
2. **Tribals, The Forest Scientists:** Tribal peoples are generally regarded as the best conservationists, as they connect with nature more spiritually.
3. The cheapest and quickest way to conserve areas of high biodiversity is to respect tribal peoples' rights.

## **Recommadation**

1. Most of the data on wildlife is applicable to management, but as staff and financial resources are so short, it would be better to set specific priorities for research and to target them at solving the fundamental problems of wildlife management
2. There is an urgent need to implement programmes to recover population densities in the top-value, high-contribution species now scarce due to relentless over-exploitation
3. The Conference participants agreed, that indigenous peoples' rights with respect to their cultural heritage, are strongly interrelated and interdependent with the other rights, set up in the UN Declaration on the Rights of Indigenous Peoples

## **REFERENCE**

1. <https://greenglobaltravel.com>.
2. Jofin John, Wild life (Protection) Act, 1972: An appraisal, SBRR Mahajana Law College, Mysore.
3. The Author, Lakshay Bansal is a student of BBA.LLB at Geeta Institute of Law, Panipat. He is currently interning with LatestLaws.com.
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5. Global Sustainable Tourism Council.
6. Ecotourism, Principles, Practices and policies for Sustainability: Megan Epler Wood