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

Submitted by:  
Hadi Soleiman-Pour

For the degree of Doctor of Philosophy

University of Durham

June 2003

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

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12 DEC 2003

## ABSTRACT

Agenda 21 is an important international achievement on how the precious resources of our planet should be equitably shared and protected. It is a means of aiming towards the harmonisation of the three main pillars of sustainable development and trying to meet the needs and aspirations of the present generation without compromising the ability of future generations to meet their own needs. After the Rio Summit in 1992, the two pillars within sustainable development, environment and development, made a noteworthy progress to meet the objectives of Agenda 21. Such progress, particularly on regulation settings and law making, created an active environment for the interaction of international environmental and developmental instruments on the wide range of issues raised in more than 40 chapters of Agenda 21.

Thereafter, the international community has been dealing with such issues including biodiversity, agriculture, energy, transport, human settlement, freshwater, natural resources, forest, oceans and seas, together with many other issues such as sustainable tourism. Nature Based Tourism as a more sustainable form of tourism is an interesting issue to be studied in order to evaluate how the international community reacts to the interaction of developmental and environmental pillars of sustainable development on this form of tourism.

Nature Based Tourism has its roots, on the one hand in the tourism industry with more than 11% contribution to the world's GDP and proves to be one of the most appropriate means of generating income and creating jobs for many developing countries while providing nearly 8% of the total global workforce. On the other hand its roots are in the conservation and sustainable use of environment features including its biodiversity and aesthetic values. Therefore, Nature Based Tourism is a major issue on the interaction of developmental and environmental issues. It should be properly governed to maximise its benefit to local communities and minimise its adverse effects on nature.

At the international level several organisations, instruments, agreements and codes of conduct have made significant efforts to address Nature Based Tourism in different forms and manifestations. As a result, the international community has gained many successful achievements and valuable experience while facing various gaps and overlaps. There is a need of an internationally accepted instrument to address the existing gaps and overlaps appropriately. Such an instrument could deal with the current vacuum in the international environmental and developmental law and practice.

The proposed draft covenant is a result of careful study in major international environmental and developmental achievements related to Nature Based Tourism, particularly after the Rio Summit. This provides the international community with a legal framework that can be considered as an appropriate approach towards such an environmentally fragile, economically viable, and a culturally sensitive issue.



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## Dedication

This research is dedicated to my wife, whom herself is a hardworking researcher, and to my Daughter and Son, whom I hope will become researchers soon. Without their patience and encouragement, this work could not be achievable.

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## ABBREVIATION

ACABQ	Advisory Committee on Administrative and Budgetary Questions of the UN
AOSIS	Alliance of Small Island States
ASTA	The American Society of Travel Agents (check again)
AIT/FIA	Alliance Internationale de Tourisme/Fédération Internationale de l'Automobile
CITES	The Convention on International Trade in Endangered Species of Wild Fauna and Flora
ATCPs	Antarctic Treaty Consultative Parties
ATCM	Antarctic Treaty Consultative Meeting
BMZ	the German Federal Ministry for Economic Cooperation and Development
CRAMRA	Convention on the Regulation of Antarctic Mineral Resources Activities
CSD	Commission on Sustainable Development
CBD	Convention on Biological Diversity
CE	Council of Europe
CHM	Clearing House Mechanism
COE	the Committee of Experts
COPs	Conference of the Parties
DMOs	Destination Management Organizations
DESA	Department for Economic and Social Affairs
DESA	Department for Economic and Social Affairs
ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ECOSOC	United Nations Economic and Social Council
EIAs	Environment Impact Assessments
ESC	Economic Security Council
ESCAP	Economic and Social Commission for Asia and the Pacific
ESTs	Environmentally Sound Technologies
EMG	Environment Management Group
EU	European Union
EUEB	European Union Eco-labelling Board
FDI	Foreign Direct Investment

FfD	Financing for Development (International Conference)
FSF	Financial Stability Forum
G-77/China	Group of Seventy-Seven and China
GA or UN GA	United Nation General Assembly
GATT	General Agreement on Tariffs and Trade
GC/GMEF	the Governing Council/Global Ministerial Environment Forum
GEF	Global Environmental Facility
GMEF	Global Ministerial Environment Forum
GTZ	German Technical Co-operation (Deutsche Gesellschaft für Technische Zusammenarbeit)
Habitat	United Nations Centre for Human Settlements
IACSD	Inter-Agency Committee on Sustainable Development
ICCL	International Council for Cruise Lines
ICESR	International Covenant on Economic and Social Rights
ICLEI	International Council of Local Environmental Initiatives
ICOMOS	International Council on Monuments and Sites
IEIAU	International Environmental Impact Assessment Unit
IEG	International Environmental Governance
IFTO	International Federation of Tour Operators
IGM	Intergovernmental Group of Ministers
IHRA	International Hotels & Restaurants Association
ILO	International Labour Organisation
IMB	International Multi-stakeholders Body
IMO	International Maritime Organisation
IMF	International Monetary Fund (Check)
IUCN	International Union for Conservation of Nature
IUAA	International Union of Alpine Associations
IYE	International Year of (for) Ecotourism
LDCs	Least Developed Countries
MEAs	Multilateral Environmental Agreements
MARPOL	the International Convention for the Prevention of Pollution from Ships
MOU	Memorandum of Understanding
NGO's	Non Governmental Organisations
NBT	Nature Based Tourism
NBTA	Nature Based Tourism Area
NEPA	USA National Environmental Policy Act
NMB	National Multi-stakeholders Body

NTA's	National Tourism Administrations
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
PATA	Pacific Asia Travel Association
PCBs	Polychlorinated Biphenyls
PEPAT	Protocol on Environmental Protection to the Antarctic Treaty
POA	(Barbados) Programme of Action
PrepCom	Preparatory Committee
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SG	Secretary General of the United Nations
SIDS	Small Island Developing States
SIDSNet	Small Island Developing States Information Network
SMEs	Small and Medium Sized Enterprises
TIES	The International Ecotourism Society
T&T	Travel and Tourism
V I	Voluntary Initiatives
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nation Conference on Trade and Development
UNCC	United Nations Compensations Committee
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Program
UNEP	United Nation Environment Programme
UNEP DTIE	UNEP Division of Technology, Industry, and Economics
UNEP GC	UNEP Governing Council
UNESCO	Economic and Social Council of the UN
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNGD	United Nations Development Group
UNGASS	UN General Assembly Special Session
UNIDO	United Nations Industrial Development Organization
UNICEF	United Nations Children's Fund
UN LDCs III	Third United Nations Conferences on Least Developed Countries
USNPS	United States National Park Service
UNON	United Nations Office in Nairobi
UNU	United Nation University



WB	The World Bank
WCED	World Commission on Environment and Development
WFP	World Food Programme
WGT	Working Group on Tourism
WHO	World Health Organisation
WHC	World Heritage Convention
WSSD	World Summit on Sustainable Development
WTTC	World Travel and Tourism Council
WTO/OMT	World Tourism Organization
WWF	World Wildlife Fund

## **Chapter I**

### **Definitions and Chronology**

#### **Introduction**

At the Rio Earth Summit of 1992, the international community adopted an important agenda on how the precious resources of our planet should be equitably shared and protected for future generations. The Agenda 21 and Rio declaration aim to harmonise as much as possible the general approaches of three main pillars of sustainable development namely trade, environment and development.

Agenda 21 is based on a global approach encompassing the problems of human development and the preservation of our ecological heritage. It inventories the major current problems and suggests ways of preparing the world for future challenges in accordance with sustainable development by pursuing social and economic development as well as the protection of the environment and natural resources. It is a document of almost 300 pages that comprises 40 Chapters divided into four sections:

- Social and Economic Dimensions;
- Conservation and Management of Resources for Development;
- Strengthening the Role of Major Groups;
- Means of Implementation

Agenda 21 addresses more than 20 areas which the present generation needs to take into account in order not to prejudice the rights of future generations.

Although tourism was not in the agenda in Rio, the Commission on Sustainable Development, (CSD) as the UN body responsible for the implementation of Agenda 21 in its seventh session (1999), made a landmark decision to establish an international work programme on sustainable tourism. The decision 7/3 opened up a new political space at the international and national level to bring tourism development into line with the commitments undertaken in Rio:

- (1) To acknowledge sustainability as an ecological, social and economic contract between generations,
- (2) To respect the limits of ecological carrying capacity,
- (3) To create a global environmental justice able to eradicate poverty and
- (4) To adjust the consumption patterns of the North to the requirements of sustainable development (Pils, 2002).

In the 2002 World Summit on Sustainable Development (WSSD), the achievements of the so-called Rio process were evaluated and new strategies planned. Such strategies were needed given the failure of the international community to implement most of the promises and hopes of Rio, not least in tourism, which in recent years has become one of the world's leading industries. The WSSD offered an opportunity for a re-oriented tourism to be integrated into strategies for



sustainable development. This re-orientation of the tourism industry towards environmentally and socially responsible behaviours and leisure activities, which is needed for sustainable development, faces many challenges.

### **Definition**

One of major challenges in the re-orientation era of Nature Based Tourism (NBT) is the lack of a comprehensive, integrative and cross-sectoral policy making framework for a new approach of tourism towards sustainable development. Such an approach needs a coherent, responsible and equitable cooperation among all stakeholders, including local communities, indigenous peoples, political authorities, the tourism industry, tourists and civil society.

This paper will address sustainable nature based tourism as one of the major interactions between environmental and developmental issues. It is a major component of the concept of sustainable use of natural resources and biodiversity. Benefiting from the outcome of two major international summits in 2002, the Quebec summit on International Year of Ecotourism and the World Summit on Sustainable Development, the paper aims to find out the appropriate way to address NBT by introducing a draft covenant to regulate and coordinate as far as possible the international behaviour on NBT.

Nature based tourism, as a new phenomenon in the relationship between environment and development, has the potentiality to harm them if not properly planned and implemented whilst it is recognised as an appropriate approach towards conservation and sustainable use of the environment.

To achieve this, the main endeavours of international environmental and developmental instruments should be reviewed. This review should focus on the post Rio activities and policymaking of these instruments to understand their approaches, main achievements, their gaps and overlaps and evaluate how these could assist further endeavours to regulate nature based tourism activities.

The methodology used in the present research paper is based on international archival research, containing detailed analysis of international documents on developmental instruments and organisations such as the Commission on Sustainable Development (CSD) and United Nations Conference on Trade and Development (UNCTAD) as well as international environmental agreements and instruments such as the United Nation Environment Programme (UNEP), and the Convention on Biological Diversity (CBD) and some relevant international, regional, intergovernmental, or UN specialised agencies like World Tourism Organisation (WTO/OMT), and European Commission. The outcome of major UN conferences and relevant international agreements has also studied. Archival research has been complemented by data gathering, reviewing the most recent and successful experience of relevant international organisations and

the collection of information pertaining to nature based tourism. A total of 300 international documents have been reviewed. The thesis contains eight chapters and seven appendixes.

The present Chapter, as an introduction, will firstly define sustainable tourism as well as nature based tourism and ecotourism as a certain form of sustainable tourism and then encompasses a chronology of relevant developments on sustainable nature based tourism.

Chapters two until six, address analytical interaction of international environmental and developmental agreements and instruments vis-a-vis sustainable nature based tourism. Their titles are as follows:

- Analytical review of international developmental instruments,
- The outcome of international developmental instruments,
- Analytical review of international environmental instruments,
- International environmental governance,
- Conversion of international environmental and developmental agreements.

Chapters VII and VIII pertain to the introduction of the draft Covenant on NBT. The chapter VII will review major principles on international law, international environmental law, and international developmental related laws and practices related to nature based tourism. The chapter VIII will provide the draft international covenant on nature based tourism.

For the readers' benefit, issues of importance in the text are placed in bold throughout the thesis.

The definition and chronological section of this chapter provide a clear picture on recent development on the content on tourism as well as a variety of international endeavours to regulate the tourism industry in the last two decades.

### **Sustainable tourism**

The following definition of tourism was proposed by the WTO in 1991 and officially adopted by the United Nations Statistical Commission in 1993: "Tourism comprises the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes" (Holden, 2000).

UNCTAD (1998) made the following definition for tourism; "International tourism", according to the joint World Tourism Organisation/ United Nations definition, describes the activities of "any person on a trip between two or more countries while he/she is en route away from his/her usual place of residence for more than 24 hours but not more than one consecutive year for leisure, business and other purposes". Typically tourism flows are measured by arrivals (the number of international tourists who spend at least one night in the country) and by international tourism receipts or expenditures, which consist of the purchases made by tourists while in the country (UNCTAD, 1998a). Many academicians in the same decade emphasised the behavioural and impact aspects of tourism. As an example, Bull defined tourism as a human activity, which encompasses human behaviour, use of resources, and interaction with other people, economies and environments (Bull, 1991).

The dictionary definition of tourism is "the activities of tourists and those who cater for them", while a tourist is "a person who makes a tour, especially a sightseeing traveller or sportsman". The World Tourism Organisation (WTO) considers tourism to be any form of travel that involves a stay of at least one night but less than one year away from home. Therefore, the WTO definition includes business travel and visits to friends and relations, but not day-trips. However, tourism is generally considered as domestic or international travel for leisure or recreation, and including day-trips (Roe, Leader-Williams, & Dalal-Clayton, 1997).

The concept of sustainable tourism was introduced in the late 1980s. It was the tourism industry's reaction to the Brundtland report on sustainable development as an outcome of WCED in 1987. Having in mind the notion of sustainability in WCED, sustainable tourism development can be defined as tourism that meets the need of the current generations without compromising the ability of future generations to meet their needs (Weaver, 2001).

The participants in a CSD7 inter-sessional ad hoc working group on consumption and tourism made their points on the definition of sustainable tourism which were reflected in the report of the co-chairman of the group. He pointed out that; "there was an attempt by many delegations to define sustainable tourism. 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 consciousness among the local population and visitors". One delegation noted that ecotourism is an economic activity that minimises environmental impacts, values and contributes to the conservation of ecosystems, and at the same time generates incomes for local communities. One delegation noted that ecotourism has the potential to create new patterns of tourism but, at the same time, there are impediments to promoting ecotourism which include local communities' hesitation to replace conventional tourism, the reluctance to adopt codes of conduct to ensure the quality of ecotourism and the difficulty of promoting ecotourism in areas unlikely to attract visitors" (ECOSOC, 1999i).

The WTO defined the principles of sustainable tourism as early as 1988; sustainable tourism is "envisaged as leading to management of all resources in such a way that economic, social and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity, and life support systems" (UNEP/WTO, 2002).

### **Nature based tourism**

Nature based tourism is an important component of the world-wide international and domestic tourism industry which has been expanding rapidly over the past two decades and further growth

is expected in the future. Overall, depending on the region, nature and wildlife tourism accounts for 20 to 40 per cent of international tourism (Giongo, 1993). The scale of this kind of tourism is even larger if domestic tourism is taken into consideration. However, statistics are often not available to determine what proportion of wildlife tourism is domestic in origin, but it is likely to be very high in some countries (Roe et al., 1997).

The last 20 years have seen a shift in favoured tourist destinations towards developing countries, especially those rich in biodiversity. Notable areas are Central America, the Amazon, Southern and Eastern Africa, South and South East Asia (BMZ website). Hence, the rate at which nature and wildlife tourism is growing in protected areas in developing countries exceeds that in developed countries (Giongo, 1993). Key habitat and species have an undeniable influence on the popularity of wildlife tourism destinations. The major destination for wildlife tourists are African savannahs since this is where the highest concentrations of easily accessible, readily visible large mammals are found. In contrast, wildlife tourism has been slower to develop in rainforests. In Latin America, for example, rainforests provide difficult access to wilderness areas may occur in politically unstable areas and have been weakly marketed. Furthermore, the flagship mammalian species of interest to most tourists are secretive in their habits and less well known as their African counterparts. Equally, many more unusual tourist destinations with good visibility, such as the Antarctic, are becoming increasingly popular (Roe et al., 1997).

Nature and wildlife tourism encompasses all forms and scales of tourism that involve the enjoyment of natural areas and wildlife. It could be defined loosely as tourism that includes, as a principle aim, the consumptive and non-consumptive use of wild animals in natural areas. It may be high volume mass tourism or low volume/low impact tourism, generate high economic returns or low economic returns, be sustainable or unsustainable, domestic or international, and based on day visits or longer stays (Roe et al., 1997).

The definition of NBT differs from specialised tourism components such as ecotourism or adventure tourism (Whelan, 1991), (Boo, 1990) due to the activities involving the direct use of a destination's natural resources as either a setting or an attraction (Ceballos-Lascurian, 1997), (Goodwin, 1996), (Fennell, 1999).

Weaver and Lawton (2001) defined nature based tourism as forms of tourism that maintain a dependent, enhance or incidental relationship with the natural environment, or some aspect thereof, in terms of their utilised attractions and/or setting. They include the 3S tourism (sea, sand and sun), adventure tourism, ecotourism, consumptive tourism, captive and health tourism as various forms of nature based tourism.

Many companies and practitioners, governments and researchers throughout the world have conducted management and marketing techniques in an effort to better understand (NBT) ecotourism, as well as to improve its planning. However, so far there has not been a truly comprehensive effort to allow the various stakeholders to voice their views, disseminate widely the results achieved, or to integrate such results to produce the necessary synergies that will ensure

that such tourism will indeed generate the economic, social and environmental benefits expected (UNEP/WTO, 2002).

### **Ecotourism**

In the literature of the 1980s and early 1990s, there was a tendency to equate ecotourism with NBT and even adventure tourism (Weaver, 2001). The core characteristics associated with ecotourism are its relation to nature, its educational and appreciative motives, and its relation to sustainability (Blamey, 1997).

Later such vague definitions narrowed and now only those forms of nature and wildlife tourism that make a positive contribution to nature and wildlife conservation constitute ecotourism.

Ecotourism has become widely adopted as a generic term to describe tourism that has, as its primary purpose, an interaction with nature, and that incorporates a desire to minimise negative impacts (Orams & Forestell, 1995). Implicit in the term is the assumption that local communities should benefit from tourism and will help to conserve nature in the process (Goodwin, 1996).

Many definitions of ecotourism have been proposed. By the strictest definitions, ecotourism is tourism with a nature-based product, sustainable management, an environmental education component and a contribution to conservation. The definition adopted in Australia's National Ecotourism Strategy contains all these components in a paraphrased form. Other ecotourism plans and strategies, however, emphasise only sustainable management in a natural setting. From a research perspective, the critical issue is not the precise definition adopted, but the technical information required (Buckley, 1996).

All definitions of ecotourism emphasise that it must take place in natural areas, which could therefore include state managed protected areas, private land and communal land. The key criteria for ecotourism are that the activity must be environmentally and culturally sensitive, must directly benefit conservation and/or local people who in turn have an incentive for conservation, and be self-sustaining within the context of the natural and cultural habitats in which it takes place (Goodwin, 1996).

The concept paper of UNEP/WTO to the Quebec Summit indicated that while there is not a universal definition for ecotourism, its general characteristics could be summarised as follows:

- All nature-based forms of tourism in which the main motivation of the tourists is the observation and appreciation of nature as well as the traditional cultures prevailing in natural areas;
- It contains educational and interpretation features;
- It is generally, but not exclusively organised for small groups by specialised and small, locally owned businesses. Foreign operators of varying sizes also organise, operate and/or market ecotourism tours, generally for small groups;
- It minimises negative impacts upon the natural and socio-cultural environment;
- It supports the protection of natural areas by:

- generating economic benefits for host communities, organisations and authorities managing natural areas with conservation purposes,
- providing alternative employment and income opportunities for local communities,
- increasing awareness towards the conservation of natural and cultural assets, both among locals and tourists.

CBD has its own definition on ecotourism. It is defined in Para 4(a) of Decision V/25 on Sustainable use of Biological Diversity at the fifth conference of the party of CBD as a form of tourism that relies on the existence and maintenance of biological diversity and habitats. The Para also highlights the need to develop clear strategies to develop sustainable ecotourism sectors, which provide for full and effective participation and viable income-generating opportunities for indigenous and local communities.

The International Ecotourism Society in 1991 produced one of the earliest definitions. It defined ecotourism as responsible travel to natural areas that conserves the environment and sustains the well-being of local people (Untamed path website, 2001).

The International Union for the Conservation of Nature (IUCN) stated in 1996 that ecotourism is 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 website).

As stated in the preamble of the Quebec Declaration on Ecotourism, ecotourism embraces the principles of sustainable tourism, concerning the economic, social and environmental impacts of tourism. It also embraces the following specific principles, which distinguish it from the wider concept of sustainable tourism:

- Contributes actively to the conservation of natural and cultural heritage,
- Includes local and indigenous communities in its planning, development and operation, and contributing to their well-being,
- Interprets the natural and cultural heritage of the destination to visitors,
- Lends itself better to independent travellers, as well as to organised tours for small size groups.

Having said that the Declaration recognised the leadership role of ecotourism to provide and introduce sustainability practices to the tourism sector.

The environmental and social impacts of ecotourism may be more significant than mass tourist developments since ecotourism tends to take place in unspoilt environments that are often ecologically fragile, contain rare species and may be inhabited by indigenous people (Cochrane & Charlesworth, 1994).

Ecotourism is environmentally responsible travel to relatively undisturbed natural areas - in order to enjoy and appreciate nature and any accompanying cultural features - that promotes and supports conservation, has low visitors impact and involves and is beneficial to the local



community(Comarmond, 2002). The idea of ecotourism was developed mostly in overseas destinations, in the form of niche market products, and was taken up by tour operators in Europe with increasing success. Long-haul travel to natural areas showed the steepest growth rates.

Definitions of Ecotourism
<p>Numerous definitions of the term “ecotourism” are in use. Examples include:</p> <p>"Visits to national parks and other natural areas with the aim of viewing and enjoying the plants and animals as well as any indigenous culture" (Boo 1990).</p> <p>"An enlightening nature travel experience that contributes to the conservation of the ecosystem while respecting the integrity of host communities" (Cater and Lowman 1994).</p> <p>"Responsible travel to natural areas which conserves the environment and improves the welfare of local people" (Lindberg and Hawkins 1993).</p> <p>"Tourism that involves travelling to relatively undisturbed or uncontaminated natural areas with the specific object of studying, admiring and enjoying the scenery and its wild plants and animals as well as any cultural aspects (both past and present) found in these areas" (Ceballos-Lascurain 1993).</p> <p>"Tourism which is based upon relatively undisturbed natural environments, is non-degrading, is subject to an adequate management regime and is a direct contributor to the continued protection and management of the protected area used" (Valentine 1991).</p> <p>"Tourism that is environmentally sensitive" (Muloin 1991).</p> <p>"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" (Ryel and Grasse 1991).</p> <p>"Low impact nature tourism which contributes to the maintenance of species and habitats either directly through a contribution to conservation and/or indirectly by providing revenue to the local community sufficient for people to value, and therefore protect, their wildlife heritage area as a source of income" (Goodwin 1996).</p>

Source: Take only photographs leave only footprints

For UN organisations, there is a consensus that ecotourism and the activities related to the International Year for Ecotourism (IYE), are to be taken within the broader framework of the sustainable development of tourism overall, with five main motivations:

- sustainable use of biodiversity and natural resources,
- impact minimisation, both upon the natural and socio-cultural environment, especially in terms of climate change, energy consumption and traditional cultures,
- empowerment and fully informed participation of local stakeholders, particularly local communities and indigenous peoples,

- awareness raising and environmental education of all stakeholders, especially travellers and hosts,
- lasting economic benefits for all actors (WTO/OMT webpage 4),

Another interesting and community-based oriented definition of ecotourism is the definition which was provided by the Indigenous Peoples Organisation in the side events of CSD8. They believe ecotourism is a kind of sustainable tourism, if accompanied by the followings processes:

- ensures prior informed participation of all stakeholders,
- ensures equal, effective and active participation of all stakeholders,
- acknowledges Indigenous Peoples communities' rights to say "no" to tourism development - and to be fully informed, effective and active participants in the development of tourism activities within the communities, lands, and territories, and
- promotes processes for Indigenous Peoples and local communities to control and maintain their resources.

Ecotourism encompasses all forms of tourism focused on nature where the principal motivation is to observe and appreciate nature and traditional cultures living in natural areas. Therefore, ecotourism is generally organised for small groups and involves an element of education and interpretation. It must provide positive impacts on the natural and socio-cultural environment, and any negative impacts must be limited and controlled (Velas, 2002).

The aim of this study is to assist relevant parties to regulate NBT tourism at an international level. In this context, it is to the aim of this thesis that nature based tourism, as sustainable nature related tourism should be regulated to ensure sustainable community-based, non-consumptive, low environmental and cultural impact tourism according to the carrying capacity and economic generation of the destination whilst also fulfilling the wishes and desires of all kinds of visitors in a learning environment.

However, NBT's main characteristics are; a) community based tourism, b) it is a non-consumptive form of tourism, c) it impacts on the environment and culture of the destination is low, d) it considers the carrying capacity and economic factors of destinations, e) it is designed to fulfil visitors' desires, f) it is implemented in a learning environment.

Therefore, NBT means any form of sustainable nature and community-based, non-consumptive, low environmental and cultural impact tourism according to the carrying capacity and economic generation of the destination, which fulfils the wishes and aspirations of all kinds of visitors in a learning environment.

In the next chapters, the latest development and proposals of international instruments in developmental and environmental pillars of sustainable development will be reviewed and analysed. The author will compare them with the main factors of NBT to identify strengths and weaknesses, achievements and shortcomings.

The following are the main initiatives of tourism development which has a close relationship with NBT. A comprehensive review of the chronology of sustainable tourism and NBT can be found in Appendix III.

### **A concise Chronology of International Initiatives in Sustainable Tourism**

Since the 1980s there has been a variety of international activities aimed at the development of sustainable forms of tourism.

The International Union of Alpine Associations (IUAA) adopted the Kathmandu Declaration on Mountain Activities in 1982. It emphasised on the protection of the mountain environment, landscape, and fragile mountain ecosystems. It called for the reduction of the negative impact of human activities on mountains and immediate attention for the flora, fauna and natural resources. It recognised the need to respect the cultural heritage and the dignity of the local community. 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.

It only addressed part of mountain concerns. It failed to deal with the main factors of NBT such as carrying capacity, economic and development issues and other local community affairs, the tourists' aspects of NBT, and consumption patterns. It was only a declaration at Union level (CBD, 1999a).

In 1985, the General Assembly of the WTO/OMT adopted the Tourism Bill of Rights and Tourist Codes. This offered 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 in promoting the harmonious development of domestic and international tourism as well as the role of tourism professionals in contributing 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 (UNEP, 1995). Although it is a notable tool for tourism and tourism industry behaviour regulation, it does not address the other main aspects of NBT.

The 1991 PEPAT is the Protocol of Environmental Protection supplements to the Antarctic Treaty of 1959. It forms a comprehensive environmental protection regime for Antarctica and adds a new pillar to the existing Antarctic Treaty system. It is an outstanding example of international cooperation in the field of environmental protection. It is a comprehensive legally binding regime addressing a wide range of provisions relating to the protection of the Antarctic environment.

In 1994, all 26 Antarctic Treaty Consultative Parties signed the 1991 Madrid Protocol with its five annexes on environmental impact assessment, the conservation of Antarctic fauna and flora, the prevention of marine pollution, waste disposal and waste management, and area protection and management. It prohibited the exploitation of mineral resources and for the first time established a protection regime for an ecologically sensitive geographical area.

The PEPAT is remarkable for being the first treaty within the Antarctic system to be exclusively devoted to the protection of the Antarctic environment. The PEPAT denotes a shift from an interest in the actual or potential exploitation of economic resources to concerns for the protection of the Antarctic environment. Under the PEPAT, the exploitation of economic resources has to be compatible with a sound environmental approach, which is required according to the precautionary principle. The PEPAT can be considered an important instrument for the prevention of global environmental risks. The prohibition of 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 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.

The 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 the PEPAT is 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 the PEPAT in its approach to 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.

The PEPAT is the first international agreement adopting the comprehensive protection approach with respect to an area beyond the limits of national jurisdiction (Scovazzi, Treves, & Pineschi, 1992).

The major shortcoming of the PEPAT, in relation with NBT, is the lack of an annex on tourism in Antarctica. Such an annex was suggested by some member states but was not considered properly. The PEPAT should be considered as a regional agreement. It is not designed to deal with local community affairs and economic 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 local community affairs, carrying capacity issues, the planning of tourism infrastructures, the appreciation of visitors, and the management of the natural values of the national packs.

The guidelines have an advisory nature. It is a code more than a legal instrument. There was no serious international discussion on the preparation of it. It was a premature attempt which was completed later by its publishers in a more comprehensive form. It did not address the economic and development aspects of NBT. It only concentrated on protected areas. It has few guidelines regarding the cultural and social dimensions of NBT.

The 1995 Charter for Sustainable Tourism (Insula website 1) adopted a list of 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. It addressed cultural diversity and interaction. It called for respect for the human dignity of both local communities, and tourists and meets the economic expectations and environmental requirements of destinations. It recognised the interaction of tourism's desires and fragile resources. It suggested the establishment of stakeholders' alliances based on sustainable criteria, an integration policy approach, consideration of local culture and economy, the cooperation and participation of all actors, quality criteria for hosts and guests, the equitable distribution of the benefits, and the promotion of alternative forms of tourism (NBT). It also highlighted the importance of the dissemination of information, research, ESTs, transportation, and an active role for industry in sustainable tourism development.

The major shortcoming of the charter is that it proposed a list of recommendations and did not provide a tangible manner in which to achieve these recommendations. It seems to be an excellent speech rather than a feasible solution for addressing NBT requirements. Furthermore, it has a regional approach. It addressed the needs of SIDS rather than all destination countries. Finally, the charter did not address the environmental issues and environmental impact of NBT properly.

The 1995 Agenda 21 for Travel and Tourism is the reflection of Agenda 21 and the Rio Declaration on tourism industry. It was prepared by the WTTC in the form of an action programme for the tourism industry. It declared that tourism should respect the right to live in a healthy and productive condition in harmony with nature, contribute to the protection of ecosystems, facilitate local community participation, and recognise the dignity and cultural diversity of indigenous people. It also advised that international environmental agreements should be respected by tourism industry.

Agenda 21 for the Travel & Tourism Industry (T&T) 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.

It identified the main priority areas for action to be taken by travel and tourism companies. These are waste minimisation, re-use and recycling, energy efficiency, conservation and management, management of fresh water resources, waste water management, management of hazardous substances, transport, land-use planning and management, staff involvement, participation of

customers and communities in environmental issues, designs for sustainability, and partnerships for sustainable development.

The main shortcoming of the Agenda 21 for T&T is its sectoral approach. It is neither an obligatory instrument nor a negotiated text. It mostly identified the particular areas which industry needs to take into account for further tourism development and planning. It did not provide the mechanisms for its implementation or monitoring and reporting.

The 1996 Seychelles workshop on the Sustainable Development of Tourism in the East African Region adopted recommendations on sustainable tourism in the East African region, spelling out measures both at the regional and international level.

The 1997 Berlin Declaration on Biological Diversity and Sustainable Tourism (Bundesamtes für Naturschutz website) was a result of the International Conference of Environment Ministers on Biodiversity and Tourism. The Declaration mainly focused on the interaction of sustainable tourism and biological diversity, the need to manage NBT development in a sustainable manner, particularly in ecologically sensitive and vulnerable areas, the responsibility of all stakeholders in sustainable tourism, and the need to address the benefit to the local community from NBT.

It recognised the need to value and protect nature, biological and species diversity, genetic and eco-system diversity, and to ensure the maintenance of essential life support systems. It argued that sustainable forms of tourism, which generate income for local communities, have the potential to contribute to conservation. It recommended that achieving such forms of tourism is the responsibility of all stakeholders involved. It also recommended the active participation of all to fulfil the requirement of decision 7/3 of the CSD7 to set up international guidelines on sustainable tourism in ecologically sensitive areas. It placed an emphasis on the sustainability and conservation criteria laid down in the CDB, the carrying capacity of the ecosystem, preventive and precautionary procedures in tourism development, the cooperation and participation of all stakeholders, integration of all factors in planning, and ensuring benefits for the local community. The overriding issue in the declaration is the need to meet the requirements of nature protection and biological diversity conservation. It also advises the use of ESTs and EIAs, education and training, sustainable transport systems, and incentive measures.

The declaration is the result of an intergovernmental conference and a noteworthy sectoral approach. Its focus is environmental consideration. Its shortcoming is a lack of sufficient attention paid to the social and cultural aspects of tourism. It is also poor in relation to economic measures regarding NBT, and consumption patterns. It has the limitation of such guidelines and, despite its valuable contents, could not play a significant role in harmonising all aspects of NBT at international level.

The 1997 Male Declaration on Sustainable Tourism Development (eco-tour website 1), as a result of the Asia-Pacific Ministerial Conference on Tourism and the Environment, identified 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 main shortcoming of the Male declaration is the lack of clear proposals on ways to achieve its content.

It is also considered as a regional approach. It has little initiative on the improvement of community-based tourism. It did not address the carrying capacity of the destination or sustainable consumption and production patterns.

The 1997 Manila Declaration on the Social Impact of Tourism (eco-tour website 2) spells out ten principles of sustainable tourism. It invited the greater involvement of communities in the planning, implementation, monitoring and evaluation processes of tourism policies, programmes and projects. It proposed the improvement of the local community's standard of living through tourism. It envisaged the preservation of the legacy, heritage and integrity of tourist destinations worldwide. It suggested the development of appropriate marketing tools for the destination countries. It encouraged the enhancement of visitors' sensitivity to the culture and behavioural expectations of host communities. It recognised the role of human resources development in tourism. It proposed a strengthening of international coordination and monitoring systems through liaison and networking among all stakeholders. It advised the prevention and control of tourism-related abuse and exploitation, and finally it encouraged governments to enforce legal regimes in order to eliminate undesirable social consequences of tourism.

The main shortcoming of the Manila Declaration is the lack of consideration environmental and economic aspects of tourism. It does not address carrying capacity issues or consumptive patterns of tourism. It proposes little in the way of mechanisms to deal with local community involvement and equitable benefit sharing. However, the declaration has a valuable point regarding cultural and social aspects of tourism development.

The 1998 draft proposal on "Biological Diversity and Sustainable Tourism - Preparation of Global Guidelines" is the result of the Heidelberg workshop.

It was submitted to the secretariat of the CBD by the GTZ to be considered as an information paper for the agenda of COP4 to be adopted as the "Global Guidelines on Biological Diversity and Sustainable Tourism" (CBD, 1998a).

The main points of the draft proposal are; the contribution of economic development in tourism to sustainable development, biological diversity as a basic prerequisite for NBT, the protection of natural areas to remain attractive to tourists, the need for effective management of tourism development, the potential impact of tourism on the conservation and sustainable use of biological diversity. It also envisaged the need to promote, through global guidelines, a harmonious balance of the requirements of biological diversity and of tourism.

The conference and its outcome should be seen as a preparatory process of the CBD workshop on sustainable tourism and biodiversity. Its main shortcoming is its sectoral approach. This approach is summarised in the interaction of NBT and biodiversity and therefore other aspects of NBT are not properly taken into account.

The 1998 Jamaican workshop on Marine Biodiversity in the Caribbean explored the relationship between tourism and marine biodiversity. This workshop highlighted the need to improve the basic scientific information for decision-making, the need for indicators to assess the carrying capacity of the system, the need to have an integrated policy and planning approach, the need to enhance public awareness and legislative measures, and the use of market forces and economic instruments to stimulate environmentally responsible behaviour.

The achievements of the workshop indicate the overall needs and orientations of the countries with marine NBT.

The outcome of the 1998 International Conference on “Sustainable Tourism in SIDS and Other Islands” addressed the challenges of sustainable tourism SIDS. It recommended stakeholders and local communities’ involvement, integrating tourism into the overall development plan, the use of alternative technologies and voluntary initiatives, and the establishment of environmental standards and regulations. It also considered regional harmony in regulation setting, regional dissemination of information and the exchange of experiences, and regional capacity building (UNEP DTIE website1).

The conference mainly addressed the regional or particular interests of a set of countries instead of providing a broad based framework for NBT development. It did not properly address environmental concerns. Its main shortcoming is the lack of focus on economic issues, tourist desires and learning environments as main factors of NBT.

The 1999 UNEP draft principle for the implementation of sustainable tourism is a result of the mandate given by the Governing Council to UNEP. UNEP established a multi-stakeholder consultation process. The summary of UNEP principles may be found in Annex VII, UNEP part and Chapter IV, as well as Second Part of Appendix VIII.

The WTO General Assembly meeting in Santiago approved the 1999 WTO Global Code of Ethics for Tourism unanimously. It received support from the United Nations General Assembly at its 56<sup>th</sup> session (UNGA Resolution, 2001b). More detail on this important international code on sustainable tourism is available in Third Part of Appendix VIII and Chapter VI.

The 2000 Hainan Declaration is the result of the WTO/UNEP International Conference on Sustainable Tourism in the Islands of the Asia-Pacific Region. It is selected as an example to evaluate the follow up of the 1998 Conference on Sustainable Tourism in SIDS.

Three specific subjects were discussed during the conference. These were the application of regulatory and voluntary frameworks for the sustainable development and management of tourism, the use of ESTs in NBT, and the socio-cultural issues of island tourism and community-based tourism.



The Hainan Declaration declared the need into a integrate tourism in national development plan, create effective partnerships of all stakeholders, recognise the critical role of the tourism industry in the development of NBT and the essential role of local community in NBT development, zone and limit tourism development in sensitive areas, encourage sustainable use of precious resources, promote the greening of tourism accommodation, encouraging capacity building and equitable benefit sharing, develop research and monitoring and indicators for tourism activities.

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.

The main shortcoming of the Hainan Declaration is raising various interesting points without providing specific operational formulation. Other deficiency is the exaggeration the role of governments in NBT in the SIDS. It has not paid enough attention to the tourist's needs and appreciation part of NBT.

Other development in NBT will be discussed in coming Chapters.

## **Chapter II**

### **Analytical Review of International Developmental Instruments**

#### **General Introduction**

Since the 1992 Rio Conference, the strategy of sustainable development has evolved as a real option that is increasingly impregnating political, technical and economic decisions in today's world. The idea that it is possible to conserve our natural and cultural capital without compromising the future and that this ambition is compatible with development in the present is starting to be put into practice in the main areas of economic activity. Tourism may be considered as one of the industries where this new sensitivity has had the greatest effect, due to the convergence of tourism and the environment. Curiously, until the 1980s this activity was labelled as aggressive to the environment and a destroyer of local cultures. Although, it must also be said that this is a young industry; the concept of tourism as we know it today first appeared in the Oxford English Dictionary in 1811. This new phenomenon in the world economy has acquired the following specification in recent years;

(a) Tourism is presently the largest industry in the world. According to the World Tourism Organisation (WTO), between 1995 and 1997, there was an average increase in tourist arrivals of 4.5%, reaching 596 million in 1997. To illustrate the turnover of the industry in 1996 earnings from tourism, excluding air transport, were 423 billion dollars (WTO/OMT, 1998b). These figures alone illustrate the magnitude of the world's leading industry and the need for developing a strategy for dealing with it. Such a strategy needs to conserve the very environmental values that underpin the activity and that justify a large part of the tourist product in many destinations. An activity of this size and importance could see its survival threatened in those areas where basic tourist resources are harmed or deteriorated.

(b) Tourism demand is registering profound changes in the behaviour of consumers. In recent years, the tourist industry has undergone far-reaching transformations in its corporate culture in response to the qualitative changes in demand. Traditional mass tourism, typified by the production and sale of rigid, standardised and mass products, is giving way to new forms of business, in which flexibility and segmentation of products are the most outstanding features. We are currently witnessing the appearance of a whole range of diversified and innovative products that can adapt to new behaviour patterns.

(c) The hosts themselves, regardless of the policies dictated by operators, are starting to become aware of the active role that local social partners should have in the planning and decision-making aspects of the tourist business. Authorities, the hotel trade and other social representatives are seeking new ways of improving the quality of their areas and they are trying to cull forms of tourism that could jeopardise the sustainability of their resources. For what are currently mature tourist destinations, quality and environmentally-related aspects do not represent optional value

added; they are essential specifications of the product that will have a decisive effect on their level of competition. These are essential aspects at a local level, because, despite its ambivalent nature, tourism provides employment for one out of every sixteen workers on the planet and accounts for 7% of global capital investment (Shackleford, 1995).

(d) Tourism is becoming an integral part of the Information Society. The incredible advances in telecommunication make it increasingly possible to maintain a direct relationship between consumers and the final product and to shape goods and services to the varied and specific requirements of demand.

Moreover, tourism has a central and decisive role to play in sustainable development, for the following reasons:

- (a) Tourism's specific weight in the world economy is large and growing. Already as the third largest export industry, travel and tourism accounts for over 12 per cent of world GNP, one in sixteen jobs and 7 per cent of capital investment (Shackleford, 1995).
- (b) The resources making up tourist attractions are very largely natural, cultural and environmental, and require to be conserved if their power of attraction is not to diminish;
- (c) Tourism lies at the point of convergence of two major trends - one towards worldwide economic and social development, the other towards increasing environmental protection;
- (d) Accordingly, the tourism sector accurately reflects the current tensions between a society increasingly concerned to conserve its natural and cultural heritage and the degradation that results when adequate planning does not exist.

Improperly planned or managed, however, tourism will have important environmental impacts, locally, regionally and even globally:

- Mass tourism can cause erosion, disturb wildlife, and destroy ecosystems.
- Tourism infrastructures, lodging and transport facilities, if not adequately sited and designed, can damage landscape and nature, cause erosion in coastal zones, and also destroy unique ecosystems.
- Tourism developments put pressure on local natural resources: tourists consume energy, water, food and other raw materials, which may be in short supply locally.
- Tourism activities generate pollution as tourists produce sewage and solid waste and litter. Planes, buses and cars make noise and generate air pollution.

A balanced approach towards sustainable nature-based/eco-tourism tends to consider the original understanding of international community on the concept of sustainable development.

The Brundtland Commission's definition of sustainable development, as a primary international reference, reads as follows;

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains two key concepts:

- The concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and
- The idea of limitations imposed by the state of technology and social organisation on the environment's ability to meet present and future needs (Brundtland website).

Having in mind the definition of sustainable development and its related meaning vis-à-vis nature based tourism, the following goals may be pursued by this kind of tourism;

- it should ensure that future generations inherit a technological capital and environmental health that is greater than the one inherited by the present generation (Brundtland website);
- it should not interfere with the natural functioning of life support systems and should contribute to environmental protection including biodiversity (Berkmuller & Monroe, 1986);
- it should facilitate the participation of all sectors of society in decision-making with a thorough understanding and respect for the cultural values of the affected communities (Bentley, 1991);
- it should foster the equitable distribution of all costs and benefits.

These objectives have inevitable links to the bases of nature based tourism and its philosophy of achieving sustainable development.

"Ecotourism" is a rather elusive concept, as it simultaneously "describes an activity, promotes a philosophy and espouses a model of development" (Ziffer, 1989). Sustainable nature based tourism may be considered as a kind of tourism which implies sustainable use of the environment (with optimum use of energy) without harming the sustainability of the main natural resources such as water, soil, air, biodiversity and landscape as well as cultural and natural heritage.

Such a new vision of nature based tourism includes rural tourism and activity-based tourism as well as eco-tourism, which are assisting people to lead healthy and productive lives in harmony with nature. It is offering to the tourism industry environmentally sound and economically sustainable operations. It should encourage relevant international organisations to study such a new form of tourism which aims to contribute to health and productivity as well as conservation and sustainability. A multi-disciplinary approach is needed to appropriately address nature based tourism with the above characteristics.

In such an approach, the following questions need to be answered: Are relevant international organisations really in touch with the need of such a leading industry to assist the formulation and design of tomorrow's tourism? Is it a real need to have a comprehensive approach towards future international nature based tourism instruments or agreements? What is the role of relevant international organisations to promote environmentally sound and economically sustainable nature-based tourism development? What kind of deficiencies do they have? What are their points of strength? To what extent are the existing international agreements or codes of conduct comprehensive and implemental? What about the gaps and overlaps amongst tourism related international or regional organisations? What kinds of measures are needed to promote environment awareness among tourism stakeholders? Considering past problems caused through

overdevelopment and poor planning is the international community taking steps now to correct errors and put future development on the right footing? These are some of the questions which this part will try to address.

### **Sustainable Tourism in International Developmental Instruments**

The Rio Conference marks the beginning of a worldwide commitment which recognises that the right to development must be exercised in a way that responds equitably to the social and environmental needs of current and future generations. It is a commitment which underlines the need to put in place systems for the sustainable use of natural resources to counter the uncontrolled destructive processes entailed in some human activities. The sustainable development option is grounded in the idea that it is possible to conserve our natural and cultural capital without compromising the future, and that this aspiration can be compatible with the present-day right to development.

For these reasons, the application to tourism development of the principles set out in the Rio Declaration is of fundamental strategic value in view of the importance of tourism. As a major consumer of natural and cultural resources, there is no disputing the growing specific weight of tourism in terms of the world economy. Today it is a phenomenon which extends throughout the world and is a leading factor of socio-economic development in many regions on the globe. Tourism is also an important social achievement last century, an activity capable of helping bring peoples closer together and of creating a conscience which is respectful of the diversity of ways of life.

Having in mind nature-based/eco-tourism concepts, Agenda 21 identifies three core tools which can be employed to achieve sustainable nature based tourism:

- Introduction of new, or strengthening of existing, regulation to ensure the protection of human health and the environment. Regulation is seen as playing a supporting role in Agenda 21, developed only where other measures are less likely to bring improvement or where health or the environment can be irretrievably damaged;
- Use of free market mechanisms in which the price of goods and services should increasingly reflect the environmental costs of their input, manufacture, use, recycling and disposal subject to country-specific conditions. Developed by governments in discussion with the travel trade, these tools are identified as having considerable potential to bring about improvements in the areas of natural resource management such as waste minimisation, water and energy management;
- Industry-led voluntary programmes which aim to ensure responsible and ethical management of products and processes from the point of view of health, safety and environmental aspects. Such programmes are typically guided by appropriate charters and codes of conduct and

integrate environmental considerations into all elements of business planning and decision-making, fostering openness and dialogue with employees and the travelling public.

These three core tools might be expected to feature prominently in future government, private sector and partnership actions to achieve Sustainable Nature-Based Tourism Development.

In another development the Secretary-General of World Tourism Organisation (WTO), as the most relevant specialised agency responsible for tourism, offered the Earth Summit at Rio the following propositions which can be summarised as:

- a. Environmental awareness is promoted by travel and tourism;
- b. Well-managed tourism ought to be a good friend of the environment;
- c. The travel and tourism industry has a vested interest in having a high-quality environment because it is essential for the industry's own good rather than just a moral obligation(Savignac, 1992).

Agenda 21 did not pay direct attention to sustainable tourism development as one of the leading industries. It is because of the youthfulness of such an industry and the traditional procedures of UN developmental bodies which normally need sufficient time to consider a new and emerging phenomenon in their agenda of work. Another issue is the lack of involvement from relevant international organisations or enthusiasm to raise appropriately the matter at international forums. Some of them, such as WTO/OMT as intergovernmental organisations pursued the mandate given by their own decision-making bodies. Others such as UNEP had other major concerns and struggles like global environmental issues to deal with.

**As a main gap** and, as a result of such circumstances, sustainable tourism development was ignored on the working agenda of the international community and thus the appropriate action on this important area, in which all three pillars of sustainable development are involved, was postponed. The CSD as a UN body responsible for the follow up of Agenda 21 addressed sustainable nature based tourism, first in the framework of sustainable development of Small Islands Developing States and then in the context of the working programme of its seventh session in 1999. This chapter is due to make an analytical review of the international developmental approaches such as CSD and UNCTAD after 1992.

### **The Commission on Sustainable Development**

The UNCED decided to establish a Commission on Sustainable Development (CSD) under the umbrella of the United Nation's Economic and Social Council (ECOSOC) to take charge of monitoring and reviewing the follow-up activities, particularly the implementation of Agenda 21. The CSD's overall task is to transform the political rhetoric and the massive plans and proposals of the Rio Summit into concrete and meaningful action. The central issue in its establishment concerned its independence and its ability to review the activities of states or UN organisations. The CSD was subsequently located in New York, and staffed with personnel who are also part of

the UN Secretariat. It is consequently integrated into the central decision-making structure of the UN system and its actions must be seen in that context. Fifty-three countries were later elected to form the intergovernmental component of the CSD. Because the CSD was the only institutional emanation of UNCED, and because UNCED was an event which attracted a great deal of attention and the participation of thousands of persons, expectations for the CSD have been very high.

However, the CSD has become a 'high-level segment' arrangement, located between the Economic and Social Council (ECOSOC) and the Second Committee of the United Nations "to ensure effective follow-up to UNCED as well as to enhance international cooperation and rationalise the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels, fully guided by the principles of the Rio Declaration and all other aspects of the Conference, in order to achieve sustainable development in all countries" (UNGA Resolution, 1992b).

Other functions for the CSD with particular relevance are monitoring "progress of the implementation of Agenda 21 throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organisations, programmes, and institutions of the United Nations System dealing with issues relating to environment and development, including those related to finance; and to consider the results of the Secretary-General's review of all UNCED recommendations for capacity building programmes, information networks, task forces, and other mechanisms to support the integration of environment and development at the regional and sub-regional level".

An interesting duty of CDS is "to consider, where appropriate, information regarding the progress made in the implementation of environmental conventions which could be made available by the relevant conference of the parties" which give it the monitoring and a dominance situation rather than an equal position with the secretariat of international environmental conventions. In undertaking these functions the Commission is to "keep in review the dynamic nature of Agenda 21 and, after reviewing the progress of Agenda 21 in 1997, to make recommendations on the need for new arrangements related to sustainable development to ECOSOC and, through it, to the General Assembly" (UNGA Resolution, 1992b).

This mandate together with its location and access to the heart of UN decision-making mechanisms as well as its members and secretariat, made a unique opportunity for the developmental body of UN to role on the basic and global environmental concerns related to developmental issues, comparing with UN environmental instruments.

Almost a year after the Rio Summit the CSD held its first substantive session and focused mainly on procedural and organisational matters, such as the setting-up of an agenda for similar CSD sessions in the next few years, agreeing on a system by which governments report on how they have followed up on their UNCED commitments, and the establishment of working groups on

finance and technology issues that would meet in between the annual CSD sessions. Such procedural arrangements tended to accomplish little of substance in the year after the Rio Summit. The first organisational meeting of the CSD (24–6 February 1993) and the first substantive meeting (14–25 June 1993) resulted in the establishment of two intercessional working groups to assist, respectively, with the implementation of the adequacy of financial resources and the transfer of technology. The CSD then approved its multi-year thematic programme for 1993 until 1997.

This programme is based on issue clusters to provide a framework for reviewing Agenda 21. There are nine clusters altogether. Five of these relate to cross-sectoral issues which the CSD has agreed to review annually. These are critical elements of sustainability, financial resources mechanisms, education, science, transfer of environmentally sound technologies, cooperation and capacity building, decision-making structures, and roles of major groups. The remaining four clusters deal with sectoral issues. Each of these has been taken up once in a three-year period to ensure the review of all chapters of Agenda 21 by the 1997 UNGASS review. None of them is on sustainable tourism.

Therefore, **the main shortcoming** in the 1993-1997 programme of work of the CSD is the lack of sustainable tourism as a sectoral issue.

### **SIDS and Sustainable Tourism in the Agenda of CSD**

Sustainable nature based tourism, for the first time, came into the consideration of CSD as a sub-subject on the sustainable development of Small Island developing states (SIDS) only after 1994. It was a part of the Barbados Declaration and plan of action, amongst other proposed measures by the Barbados Conference to promote sustainable development and environment protection of SIDS. As a matter of fact, it was not sustainable tourism, as an industry with the capacity of generating more than 10 per cent of global GNP, which came to the consideration of CSD. It was more likely that sustainable nature based tourism was employed as a sectoral economic measure including promotional tools for income generation within the community based conservation areas in SIDS. In general, the Barbados conference on SIDS had its root in the UN General Assembly resolution 47/189, which, based on Para 17.131 of agenda21, the Conference was established to review trends in the socio-economic development of SIDS and define a number of specific vulnerabilities and actions and policies relating to environmental and development planning to be undertaken by SIDS. Tourism is amongst 15 other priority areas that are addressed by the Barbados plan of action (POA). Nature based tourism is described by POA as a few development options for SIDS which have a very important role for their future growth and its stimulation on other economic sectors of SIDS. POA also focuses on the eco-tourism management on fragile and interdependent coastal zones and the unspoilt areas and points out that ecotourism may create opportunities for environmentally sustained tourism development. The linkage between tourism



and other developmental activities is also explored. POA, however, tried to define NBT and identify its relationships to the environment and local culture as well as its linkages with other SIDS priority areas. It proposed various actions at national, regional and international level.

The tourism part of POA has the following specifications;

- It is designed to deal with the needs of SIDS as a very segmental element of the international economy but vital part of the global environment.
- It should be seen as a sectoral measure within the framework of small size economies.
- It is almost the first decision of its kind in United Nations major conferences on development.
- Taking into account the experience of SIDS on nature based tourism, POA as a first international endeavour contains valuable points and useful approaches especially at national and regional levels.

Although after 1995, sustainable tourism development was reviewed under agenda item of SIDS by CDS, the general trend was a sectional approach based on the agenda of the specialised or implementing agencies of UN. This is the main approach in the first progress report of the Secretary General on SIDS (UNGA, 1995). The report described the activities of almost all UN bodies, which considered tourism resource within their mandate areas, but there was no sign of cross cutting approaches. This fragmented approach caused incoherency in the implementation. On the other side most of the available international funding bodies, for example the World Bank, focused on those projects within the framework of the Programme of Action which related to climate change, energy efficiency, waste and watershed management, biodiversity protection, regional institutional cooperation, human resource development, technical assistance and monitoring. There were a few tourism projects funded by WB or GEF apart from some tourism related projects such as biodiversity and coral reef and marine biodiversity conservation. The regional commissions of UN had mostly been involved with training and research activities on sustainable tourism, as the report pointed out. After the Barbados Conference as an institutional initiative, the Small Island Developing States Unit was established within the Division for Sustainable Development. The main purpose of this unit was to cover all the programme areas, sectoral and cross-sectoral, of the Programme of Action. However, the Small Island Unit faced a difficult job to manage and coordinate sustainable tourism as a multi-sectoral issue. Every single recommendation of POA, for example tourism resources, was the subject of sectoral activity of various organisations with different mandate and procedures. Coordination of such divided programmes requires multifaceted and careful measures. It would be more complicated when various specialised agencies require sustainable and adequate funds to meet the provisions of the Programme of Action. Even, in the case of sufficient available funds, the satisfactory distribution is a matter of attentive organisational work.

GA resolution 49/122 is a base for further work of CSD on the SIDS. Based on the resolution and to carry out an initial review of the progress achieved in 1996 and in the context of the overall review of Agenda 21 in 1997, the Inter-Agency Committee of Sustainable Development prepared

a thematic report on, inter alia, tourism resource in SIDS. The task managers from various UN bodies served to enhance the substance of the report on tourism.

This addendum report is a first Secretary General report on tourism resources which is prepared by the developmental bodies of UN and gives an idea about the prevailing developmental views on sustainable nature based tourism at that time. It is important to note that because of the nature of tourism in small islands, the tourism debate is mainly concentrated on the nature based tourism development. It is also worth noting that such a debate should be seen in the context of Small Island development programmes. As a result, sustainable NBT has its root on the economical measures of SIDS who are mainly members of LDCs.

After more than one year of work, task managers on tourism produced their contributions to the report of the Secretary General (ECOSOC, 1996c). Their new findings identify the rapid growth of tourism trends and particularly the growing interest in, and demand for, nature based tourism in SIDS. They experienced the extremely high leakage of tourist expenditure, low daily tourist expenditures, high risks of excessive reliance on tourism, land degradation and loss of terrestrial and marine biodiversity; increased levels of pollution, coastal zone degradation and water shortage. They also recognised that mass and rapid growth of tourism might cause deterioration of life standards of local habitants, reaching the limits of social carrying capacity, increasing incidence of crime, and spread of drugs and diseases, including HIV.

The task managers through the SG report suggested recommendations to deal with their new findings. They recommended, inter alia, diversification and enhancement of tourism products, encouraging domestic investment, capacity building and training at local level, strengthening of linkages between tourism and other national economic sectors, using local material and products, reviewing and revising existing taxes and subsidies to better internalise environmental costs, developing and imposing appropriate user fees for natural heritages, usage of the full cost of freshwater to waste management, effective educational programmes to raise the awareness of the local population, keeping the ratio of the visitor population to the local population at an acceptable level, and strengthening security measures country-wide against crime and drugs.

At a regional level, they recommended the definition and implementation of a sustainable marketing strategy and the adoption of uniform incentives to reduce competition among SIDS to attract foreign capital, provide international assistance to regional tourism organisations, and formulate, ratify and enforce a universal or at least a regional code of conduct for the tourism sector at the intergovernmental level.

Apparently, the report's approach recognised some critical areas of tourism and come up with the right direction proposals. The report as a whole has destination approach. The solutions offered by the report are mostly concentrated on the destination's problems which are raised by unsustainable forms of tourism in the destinations. Even involvements of major groups and NGOs are linked mainly with destination's concerns. Increasing local capacity and local involvement to tourism planning and operation is one of the most desirable approaches for obtaining sustainable tourism

and the report contains valuable recommendations in this regard. At the same time some of recommendations seem to be far from the possible attainment of local capacity, such as overstating the local investments. However the general direction of the task managers' recommendation reflected in the SG report is likely to be in accordance with the general concerns of SIDS governments and their representatives in UN headquarters.

Such kinds of recommendations on tourism development might be sufficient in SIDS's scale economies, while at global level an economic sector with the potential of managing 10 per cent of global GNP needs more advanced mechanisms such as multi-stakeholder approaches to involve different players in the management of such a huge economic sector.

At regional level the report proposed a number of initiatives to ensure that tourism and the environment are mutually supportive, including regional harmonisation of standards and regulations; the promotion of cooperation in developing potential complementarities in the tourism sector; and the establishment of mechanisms for information exchange and sharing of experiences. The idea of a regional centre for sharing information is progressed later on in the context of some international environmental agreements to a kind of Clearing House Mechanisms (CHM) at global level.

An interesting point is that the report suggested the need for an international arrangement to deal with tourism sector at the intergovernmental level. Considering the kind of tourism in SIDS, this proposal could be regarded as a first international proposal suggested by SG of the UN to formulate an appropriate international framework and codes to deal with nature based tourism.

The report was considered by CSD4 and resulted in the adoption of decision 4/16 which was indorsed by 51<sup>st</sup> General Assembly of the UN (UNGA Resolution, 1996). The decision 4/16 could be considered as a first international developmental orientation effort to note the importance of sustainable nature based tourism in the context of priority areas of regional development (SIDS). The main approach of decision 4/16, the same as SG's report, is local or destination considerations such as diversifying and advancing the quality of the tourism product, strengthening linkages of other economic sectors with tourism to provide tourists with local products. It also includes 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, and 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.

Considering the regional approach of the SIDS initiative, the decision 4/16 was limited to regional recommendations at its ultimate endeavour. The decision 4/16 had not properly taken into account some interesting ideas proposed by the SG's report such as recommendations to formulate, ratify

and enforce a universal or at least a regional code of conduct for the tourism sector at the intergovernmental level or establishing an information sharing centre.

A year later the Secretary General on his report (ECOSOC, 1997), in a more balanced approach, highlighted the importance of taking environmental consideration into account in tourism development. He stated that severe environmental stress as a result of unregulated developments occurred in some SIDS and that there was a need to encourage SIDS to cope with problems of pollution, waste and coastal area management caused by poor infrastructural, technological and human resource capacity. The CSD High Level Segment repeated this position a year later. The participants in the High Level Segment of 1998 made two important suggestions on sustainable tourism; first the Commission should undertake the development of a strategy for sustainable tourism, taking into account related work under the Convention on Biological Diversity and second convene a multi-stakeholder dialogue on tourism during the seventh session of the commission. Although these two notable proposals were not the idea of all ministers participated in High Level Segment and mostly supported by SIDS and other tourist destination developing countries, it was reflected in the chairman's summary of the meeting and prepares the ground for further actions of CSD in sustainable tourism. It was the first attempt for tourism as an independent, thematic issue to take place in the agenda of an important developmental body of UN such as CSD by SIDS. Again, because of the nature of tourism in SIDS, these suggestions are mainly aimed at NBT. Now it is more obvious why the process of tourism evolution in the agenda of sustainable development of Small Island Developing States is so important for any analytical study of sustainable nature based tourism. In 1998, the CSD6 addressed other remaining issues of POA and had not reviewed tourism resources in SIDS.

CSD7 as a preparatory body for the 22<sup>nd</sup> Special Session of the UN General assembly (UNGASS) in its report (UN GASS, 1999a) evaluated the sustainable nature based tourism in SIDS. Five years after the adoption of the Barbados Declaration and POA, it was time for the UN system to review all the outstanding chapters and issues of the Programme of Action. The UNGASS provided an opportunity to assess the achievements and examine progress, bring renewed attention and boost action and enthusiasm in support of the Programme and reaffirm commitments made in 1994. Preparatory meetings were held in New York from 19 to 30 April as part of the annual session of the CSD. Nature based tourism now became an economic pillar of many small islands, in many cases contributing more than one third of GNP. But unless properly managed, it can damage the natural environment and unique cultures which are the main attractions to tourists. Based on UN information, in the wider Caribbean, travel and tourism output is projected to grow at an annual average rate of 3.6 per cent in real terms up to 2005 and to create 2.7 million jobs. An annual average growth rate of 8 per cent up to 2005 is expected in Asia and the Pacific. Main adverse impacts which SIDS suffer from include marine pollution from hotel and ship sewage, degradation of coastal zones, stress on water supplies and local cultures, and substantial leakage of

profits to foreign investors rather than local entrepreneurs (UN Department of Public Information, 1999).

CSD7 highlighted the need for international support and coordination on ecotourism ventures and, more importantly, the recognition of ODA supported ecotourism projects in SIDS and the need to integrate private sector within. Another interesting point is the highlighting of information and experience sharing mechanisms by the report. Other innovative proposals of CSD7 are the establishment of environmental assessment programmes to address the local carrying capacity, strengthening of institutional capacity building in the tourism sector and the need of international assistance in this regard, promoting environmental protection and the preservation of cultural heritage through local community awareness and participation, encouragement of the use of modern technologies and communications systems in destinations, improvement of the collection and use of tourism data, partnership as a mean to maximum utilisation of limited resources based on consumer and market demand and the development of community-based initiatives, and building of institutional capacity human resources development at all levels of the tourism industry. The importance of linkages between sustainable tourism, energy and transport are also expressed and prioritised sectional linkages in sustainable NBT. This report is endorsed by 22<sup>nd</sup> Special Session of GA as the Tourism part of a review document on the "State of Progress and Initiatives for the Future Implementation of the POA". After almost five years of adoption of the Barbados Declaration and its POA, CSD as a major UN body responsible for the implementation of the outcome of the UN Conference on Environment and Development and one of the most relevant international developmental instruments adopted a chain of environmentally sound and developmentally sustainable recommendations to enhance sustainable nature based tourism in a group of states with fragile ecology and vulnerable economy. Although the CSD7 and UNGASS report on the tourism development in SIDS is designed to address sustainable nature based tourism in specific social, environmental and economical situations such as SIDS, it contains valuable guidelines for further consideration at any global arrangement. To prepare the report CSD7 had benefited from the report of the United Nations Environment Programme/World Tourism Organisation on sustainable tourism development for Small Island Developing States as it is stated in the report itself. The outcome of a common and complementary approach amongst environmental, developmental and specialised bodies of UN indicates that such a matching approach may introduce useful mechanisms at least in the area of nature based tourism. On the other hand, many innovative approaches of SSGA22 and CSD7 in tourism development of SIDS are somehow influenced by the general environment caused by the tourism discussion as a thematic issue in the same but separate session on CSD7. Another base of the report of CSD7 to SSGA22 is the addendum to the report of SG to CSD7 on the progress of implementation of POA in SIDS (ECOSOC, 1999g). In this report SG highlighted some useful experience of SIDS including the strengthening of regional cooperation on strategies, standards and capacity building for tourism in the area of human and institutional capacity building, increased use of user charges,

particularly for environmental protection, formulation of integrated national action plans and policies which include nature based tourism, the establishment of frameworks to allow local communities to participate in tourism development in their localities.

He proposed a package of measures to deal with the future development of sustainable nature based tourism in SIDS. This package contains awareness of international tourism on the pristine nature of destinations, international/regional accessibility of destination, adequate capacity of infrastructure, services and accommodation in the destination, availability of investment capital for destination tourism development, experienced human resources at the destination, and political and operational preparedness to support tourism on the part of the destination's government. Again, many of these items are about the destinations' circumstances and some of them, such as capital investment, are open. He also envisaged that the enhancement of community participation in decision-making is critical to achieving social and environmentally sustainable nature based tourism objectives. In his idea carrying capacity is the condition of tourism sustainability.

For enhancement of the economic benefit of NBT he suggested more diversifying and qualifying of tourism products for targeting the upper segment of the tourist market, preparing and providing domestic production for the consumer needs of tourists and encouraging the maximum use of local materials in resort construction to reduce the imports of construction materials. He also proposed that the domestic investments and joint ventures with foreign investors should be encouraged to minimise the profits repatriation by foreign investors. He encouraged the local capacity building to reduce dependence on foreign entities, particularly in the area of overseas promotion and marketing, ground handling and domestic operation of tourism services, and minimising financial incentives granted to foreign investors by reducing national risks.

He also pointed out the need for social, cultural and environmental measures to safeguard the destination values. These measures included keeping the rational ratio of the visitor population to the local population, raising local awareness about all aspects of tourism, intensifying security measures against crime and drugs, establishing a kind of environmental impact assessment, appropriate economic instrument such as taxes and subsidies to better internalise environmental costs, imposing user fee for the purpose of management of sensitive areas, contribution of full user charge of freshwater to waste management and coastal cleaning, implementing a sustainable market strategy, and encouraging voluntary initiatives and adherence to codes of conduct by the business community.

His proposal at the regional level includes implementation of sustainable regional market strategy and adoption of uniform regional incentives to reduce unsound competition of foreign capitals.

On the international level, he suggested a provision of international assistance for the development of basic physical infrastructures as well a provision of assistance to regional tourism organisations in order to increase their effectiveness; and formulation, ratification and enforcement of a

universal or at least a regional code of conduct for the tourism sector at the intergovernmental level.

The new report of SG to CSD7, specially his recommendations, built up and developed the basis of his previous report to CSD4. His proposal to have harmonised approaches toward sustainable NBT contains some essential issues such as adequate accessibility and marketing, market sustainability, investment availability, human resources and infrastructural capability. Such an economic package may lead small size and one-crop economies driven by tourism to appropriate exploitation of natural resources if environmental and social concerns are properly met. The report has not indicated proper ways and means of achieving and implementing the package and made it open for further developments. Other innovative issues in this report are its emphasis on the two vital questions of carrying capacity and local participation. Both of them have important roles in designing NBT and sustaining various aspect of this market including social and environmental aspects. That is why these two concepts are the subject of further development and study within this thesis.

**As a conclusion**, the tourism outcome of CSD7 and 22<sup>nd</sup> Special Session of General Assembly (UNGASS) on the progress of implementation of the POA of SIDS is mainly the result of;

- Endeavours of a group of interested countries on, in this case, nature based tourism;
- Complementary reporting approach amongst relevant international organisations;
- Being coincident with the debate on sustainable tourism in the policy making body of UN;
- Lack of appropriate follow up of decisions and recommendations because of the absence of responsible international institution;
- Inability of existing mechanisms including CSD and other relevant bodies within the Department of Economic and Social Affairs to translate proposals of the report to the specific modalities for implementation of suggestions.

**The main shortcomings** in the implementation of POA generally and tourism development in particular are:

- lack of appropriate feedback on the reporting of the present situation by many concerned governments and regional organisations;
- a need to improve coordination among the United Nations agencies, the regional organisations and national Governments on tasks that are planned as well as ongoing in all areas of POA including tourism;
- shortage of information gathering, information sharing and exchange of experiences;
- lack of sufficient contribution for implementing proposed projects including NBT;

To deal with such issues SG in his report A/55/185 in year 2000 indicated the need of organisational strengthening within DESA and envisaged that the next phase of the Small Island Developing States Information Network (SIDSNet) should assist the process of information sharing in SIDS. On this base, the Small Island Unit in the DESA was reformed and reinforced and UNCTAD put the information sharing on its second phase of the SIDSNet project. Later on

in 2001, the SIDSNet was established within the Small Island Unit to assist SIDS with, inter alia, project implementation advice and assistance in the identification of short- and long-term capacity needs through coordination with regional and international institutions. There was little development on other issues related to NBT.

The SG report of A/55/185 is indeed a poor report in respect of NBT. It contains very little information, comments and recommendations in this regard. Except a paragraph report of UNEP on the regional conference on sustainable tourism in Capri and new idea of launching Tour Operators initiative, the report is empty of other tourism development issues.

A year later in 2001, the SG in his report on the "Further implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States" (UNGA, 2001b) made a very brief report on the activities of IFAD, UNEP and WTO on the area of nature based tourism in SIDS. The Secretary General pointed out the preparation process of IYE by WTO/OMT. UNEP also organised meetings related to sustainable tourism in islands, such as the Sanya workshop. Based on the report, IFAD is the only international organisation which implemented a new project in the field. The IFAD project's objectives were to identify forms of community-based nature based tourism development that contribute to rural development and to identify processes for a meaningful participation of communities in the development and management of tourism ventures in support of rural development.

**To conclude**, as it is obvious from above, the author believes that after two consecutive years of the adoption of a meaningful mandate on sustainable NBT by UNGASS, the achievement on the development of guidelines or codes, and implementing relevant programmes/projects in the areas highlighted by GA report is feeble.

The major achievements of the Barbados plan of action for SIDS include formulation of their master tourism plans, adoption of regulations and environmental impact assessments in a number of small islands, including Mauritius, Maldives and the Netherlands Antilles, setting a joint strategy for sustainable nature based tourism in Caribbean countries, and implying new economic instruments such as tax incentives to improve the quality of tourism in some SIDS including Cyprus.

**There is a need to deal with some serious requirements in SIDS** nature based tourism including a mechanism for environmental assessment programmes to address the carrying capacity for tourism at regional and national levels, community-based initiatives, and mobilisation of adequate resources from all sources to assist in sustainable tourism development.

At the Special Session, all SIDS agreed that support from the international community was insufficient, yet critical for further implementation of the POA. SIDS felt that the same constraints they faced five years ago remain today, while new challenges, such as globalisation and trade liberalisation, have arisen and threaten further marginalization.

In fact, **one of the challenges faced by NBT development in SIDS** and generally most of the developing countries is the lack of sufficient financial resources including DOA to manage



tourism. Vulnerability and small size means the developmental challenges are always serious. International aid thus becomes an important element in sustainable development efforts as a whole and particularly in NBT. In line with global aid declines, official development assistance to SIDS has continued to fall since 1994, when the UN Conference generated a surge of interest. Net disbursements for bilateral and multilateral aid combined have dropped from \$2.36 billion in 1994 to \$1.96 billion in 1997.

Although the small islands action plan and its review on UNGASS did not come with a price tag attached, governments agreed in Barbados as well as New York that to carry out the plan, adequate, predictable, new and additional financial resources would be needed. Before UNGASS in the meeting of major donors and almost 40 Small Island States, in which no specific pledges were made, donors signalled they would reaffirm this statement, but given global aid declines, pragmatics predicted that these might be promises on paper only. In this meeting, SIDS presented about 300 projects which needed financial assistance to implement. By such initiatives, donors were no longer in the position to argue that lack of specific projects is the main cause of lack of available international financial assistance. Many donors for their part suggested partnerships with the private sector and non-governmental groups, better coordination and use of aid, and improved domestic policies.

What are discussed are mainly local issues which require local action, and the small islands have, individually and as a group, embarked on a number of programmes to promote sustainable nature based tourism in the framework of their general intention to achieve sustainable development. Despite of good intentions, because resources are limited, the ability of the small islands to implement these programmes often falls short.

There are other kinds of difficulties that SIDS faced which require global solutions such as global warming and sea level rising and transboundary of hazardous waste. Resolving these issues is far beyond the SIDS's control and ability. The adverse impact of these still unresolved issues on the sustainability of NBT is noteworthy. The transboundary of hazardous and radioactive waste that threatens the livelihood of SIDS and which normally should be addressed by the Basel Convention was always challenged by the right of free transit passage and freedom of navigation under the Convention on the Law of the Sea. SIDS insisted on their rights to restrict or ban the import of hazardous and radioactive waste and prohibit its shipment through island waters based on their sovereign rights and consistent with international law. However, in UNGASS the informal negotiation came to a compromise text because some had the perception that the final document contained weaker language than the Programme of Action, which highlights SIDS' rights to regulate, restrict and/or ban importation of hazardous substances and to prohibit transboundary movement of hazardous and radioactive wastes. Recently, in 2002, based on the decision V/16 of the COP5 on the Basel Convention a legal working group has negotiated on the preparation of a draft decision for the consideration on COP6 to establish a mechanism for promoting

implementation and compliance of the parties of Basel convention with their obligation under the convention.

The debate of CSD on the thematic issue of SIDS prepared the ground for further and in-depth consideration of sustainable NBT by the international developmental instrument including CSD. This is a great contribution of SIDS process to NBT. Although for many years after the Rio summit such an important issue was under the shadow on SIDS and considered as a sub-sectional issue of the Small Island development programme which probably misled the need to pay full international attention to a sub sectoral. Nevertheless having sustainable nature based tourism in the agenda of SIDS created great opportunities for the sector to be dealt with in the Commission on Sustainable Development and therefore be considered in the high level international forum.

In other developments, tourism was considered by 19<sup>th</sup> UNGASS in 1997.

For many Rio+5 or the 19<sup>th</sup> special session of the UN general Assembly was a disappointing meeting. They believed 19<sup>th</sup> UNGASS should be the continuation of the Rio spirit while even consensus on the political statement of the session seems to be unachievable. In fact, the final document adopted by delegates from over 165 countries took small steps forward on a number of issues, including preventing climate change, forest loss and freshwater scarcity as well as sustainable tourism.

Amongst the other objectives, Rio+5 should raise the profile of issues addressed insufficiently by Rio and define priorities for the post-97 period. The absence of sustainable tourism as an environmental-developmental-related issue in the Earth summit declaration and Agenda 21 was a miss. Rio+5 tried to fill the gap and addressed the sector in its third part of the annex to the main outcome of the session, resolution A/S 19-2. The content of this section was compiled in four paragraphs which were agreed to at CSD5. This part of the resolution elaborated the implementation of Agenda 21 in the areas requiring urgent action. The main initiative of UNGASS on the tourism sector is its decision on which the Assembly requested the Commission on Sustainable Development to develop an action-oriented international programme of work on sustainable tourism development. As a procedure, it should be defined in cooperation with the World Tourism Organisation, the United Nations Conference on Trade and Development, the United Nations Environment Programme, the Conference of the Parties to the Convention on Biological Diversity and other relevant bodies. The Rio+5 also recognised the need to consider further the importance of tourism, as one of the world's largest industries and one of its fastest growing economic sectors, in the context of Agenda 21.

The outcome of UNGASS introduced some inevitable **lessons to be learned** regarding tourism;

- many developing countries relying on the tourism industry,
- sustainable development of tourism is a matter of common interests of all states,
- it should be considered as a major job creator and contributor to local, national, sub regional and regional economies,

- there is a need to pay special attention to the relationship between environmental conservation and protection and sustainable tourism,
- the transforming of the traditional form of tourism to the new concept of tourism including cultural and eco-tourism and the need to consider such processes by the international community and international financial institutions,
- of particular concern is the degradation of biodiversity and fragile ecosystems, such as coral reefs, mountains, coastal areas and wetlands,
- the need to consider the participatory principle in policy development and implementation of nature based tourism development,
- the importance of conservation policies to secure long-term benefits from the development of nature based tourism,

The resolution put the emphasis on the rule of sustainable patterns of consumption and production in the tourism sector. For the resolution, it is essential to strengthen national policy development and capacity building in physical planning, impact assessment, information, education, marketing, and the use of economic and regulatory instruments

An interesting point is the concise attention of the CSD and subsequently UNGASS on the demanding issues such as the transformation of the tourism market from traditional forms to nature based ones in the new era of tourism. It helps to focus on the various aspects of NBT in any further development of the sustainable tourism debate at international level. This movement towards addressing NBT has begun to be reflected in the many recommendations of the same resolution of Rio+5. In fact the Rio+5 summit approach on nature based tourism was the base for addressing the issue as an independent subject in the Johannesburg Summit five years later in 2002.

Two other important developments in Rio+5 regarding the tourism sector are calls on the CSD to develop an action-oriented international programme of work on sustainable tourism and notes that international cooperation including financial arrangements is needed to facilitate tourism development in developing countries. Based on that mandate CSD later on considers the tourism sector in its programme of work, resulting in decision 7/3 in 1999.

CSD as a preparatory committee of Rio+5 tried to take note of environmental considerations in a general sense. In the implementation sense, the focus of the resolution is on capacity building in various areas. One of the main duties of UNDP is Capacity Building, which logically absorbs most of possible future projects related to further development of this resolution. In a very delicate manner a large amount of the implementation resulting from the Rio+5, is directed to another developmental body of UN.

In 19<sup>th</sup> UNGASS, the UNEP also presented its contribution in 4 March 1997 (UN GASS, 1997b). UNEP in its contribution disapproved some aspects of existing international environmental trends. Nature based tourism was highlighted in a few occasions including in section I part A Para 5 where the report described the coastal environment and the tourism activity in small islands.

Based on the UNEP report about 60 per cent of the global population lives within 100 kilometres of the coastline and more than three billion people rely on coastal and marine habitats for food, building sites, transportation, recreation, and waste disposal. One third of the world's coastal regions are at high risk of degradation, particularly from land-based activities. European coasts are the worst affected, with some 80% at risk, followed by Asia and the Pacific, with 70% at risk. In Latin America, some 50% of the mangrove forests are affected by forestry and aquaculture activities. Oil spills are particular threats in West Asia and the Caribbean, while infrastructure development for the tourism industry is placing severe stress on natural coastal areas around the world, particularly in Small Island developing States.

One of the reason that UNEP in the Rio+5 process did not properly take into account nature based tourism was the busy task of UNEP on the issue of revitalising the international position of the organisation on international environmental decision-making by adopting and promoting the 1997 Nairobi Declaration and dealing with the main agenda of the UNGASS, which was the implementation of Agenda 21.

Other relevant organisations as well as specialised agencies had contributed to the tourism part of Rio+5 less than UNEP. Comparing all relevant activities and the contribution of international organisations to the CSD5 and later on to the UNGASS on the tourism sector shows the role of developmental bodies of UN on the outcome of Rio+5.

**The main achievement** of the tourism sector at this stage, however, is being considered as an issue in the agenda of work of the UN General Assembly in its comprehensive review of the Agenda 21.

### **Sustainable Tourism as an Economic Sector/ Major Group Issue of CSD7**

Based on the above, tourism was proposed as the economic sector/ major group issue and as a cross-sectoral theme (consumption and production patterns and tourism) for the CSD7 in 1999. According to a General Assembly resolution (UNGA Resolution, 1992a) the multi-year thematic programme of CSD should be based on the clusters to integrate related sectoral and cross-sectoral issues of Agenda 21 to provide a framework to assess progress achieved in the implementation of Agenda 21 and ensure an integrated approach to all of its environment and development components as well as linkages between sectoral and cross-sectoral issues. Later on in Rio+5 the GA in its resolution (UN GASS, 1997a) considered the multi years thematic programme of work of CSD as a sectoral, cross-sectoral, and economic sector/ major group issue. Poverty and sustainable consumption and production patterns were overriding issues as before.

CDS7 had three different mandates regarding sustainable nature based tourism to complete. Its first mandate concerned the sector in the framework of the preparation of a comprehensive review of the implementation of POA in SIDS. The second consecutive duty of CSD7 on tourism is to consider it as the economic sector/ major group issue and the third one is to address it as a cross-

sectoral theme in the framework of sustainable consumption and production patterns. The sustainable consumption and production patterns together with poverty alleviation are two overriding themes that CSD considers every year. The first mandate of CSD7 was elaborated previously. Although nature based tourism was not the main topic in the SIDS deliberation at CSD7, as it is conferred, it has inevitable influence on the preparation of the ground for integrated policy framework for the development of sustainable tourism and address the issue properly in CSD.

CSD7 at its session in February 1999 opened the discussion on sustainable tourism as its cross-sectoral issue. CSD had 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 the 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. Other issues include human resources development, utilisation of a network of domestic suppliers, setting market strategy, banning child labour, raising awareness, integrating environmental management into overall management system, eco-labelling, encourage the domestic tourism industry, attract foreign direct investment and relevant technologies, involvement of major groups, capacity building, facilitating immigration regulations and market liberalisation, and safety of tourism.

Furthermore, these industry initiatives need to be monitored, assessed and reported to reflect their progress.

The GA report on sustainable tourism in its different parts discussed the role of the international community on sustainable tourism development. It highlighted the removal of tariff-like barriers, liberalisation of commitments on trade in tourism, research, high priority for environmentally and financially sustainable development of tourism, and advanced social development objectives in tourism sector.

The international community has to strengthen development cooperation to make tourism development more environmentally sustainable, and facilitate the international exchange of information, experience and technical skills.

The role of NGO's on sustainable tourism development is highlighted in different parts of the report.

The problem of the measurement of tourism activity was pointed out by the report. An interesting point on international community challenges is the role of research on sustainable tourism development. another notable point is the linkage made by report between sustainable development of tourism and the objectives of the social summit.

In various opportunities the report highlighted the interrelation of sustainable tourism with the eradication of poverty. The report also suggested some practical international norms and standards to be set up by the international community for ethical-social aspects of tourism. An interesting point is the prioritising of technical assistance by the report.

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 in 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 the positive impact of tourism worldwide pointed out some concerns 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, the working group put the emphasis on fresh water and energy consumption. 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 the local community, controlling host/guest rates, capacity building at all levels, monitoring tourism performance and developing indicators, involving the local community in the decision-making process, raising public awareness, and protecting disadvantaged and vulnerable groups in destinations.

The working group also considered the appropriate responsibilities for the tourism industry and the private sector. The environmental management system, as the working group recommended, which should be integrated by the industry into the 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, conserving energy and freshwater resources, and controlling harmful emissions to all environmental media, as well as minimising the potential environmental impacts from tourism development, for example, by using local materials and technologies appropriate to local conditions. 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 dialogues on tourism are noted by the high level segments of CSD7. Prior to the high-level segments, CSD held 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, de-marketing, multi-stakeholder participation, and openness and transparency on tourism indicators.

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 based on local Agenda 21. It is an established mechanism for facilitating multi-stakeholder cooperation, which could be employed in destinations to promote sustainable tourism (ICLEI website).

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.

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 on local community economic concerns.

**In conclusion**, the outcome of the multi-stakeholders dialogue segment of CSD7 on tourism shows the need of the international community to consider innovative measures to address emerging international issues. The whole process of CSD7 on sustainable tourism development indicates that the traditional approach to deal with international issues, such as the approach of inter-sessional ad hoc working groups on consumption and production patterns and on tourism ended in a very conservative outcome with few but certain steps forwards. The Conservative approach is recognised by many as a usual practice for UN treatments in new and emerging issues.

Multi-stakeholders dialogue is a new approach in the UN system which sometimes could bring radical ideas for consideration by the international community. In the multi-stakeholders dialogue all major groups exchange views with government's representatives while in normal working groups only the representatives of the governments are involved. Despite the different format used by multi-stakeholders to address the issue, the content of discussions was also more productive and focused.

In multi-stakeholders dialogue on tourism, many **new and valuable ideas** were presented which are fundamental and could form the new international environment on tourism. Some of them are:

- The need for a global framework and plan of action for sustainable tourism.
- The need for a sustainable tourism covenant.
- The need for international guidelines to assist consumers and producers to value voluntary initiatives.
- The idea of an inter-agency work on influencing consumer behaviour.
- The idea of broad-based sustainable development through tourism at international level and participation of key stakeholders at all levels of tourism planning, development and assessment.
- Establishment of a multi-stakeholders working group with the participation of international agencies on the emerging issues of sustainable tourism.
- The idea of seeking funding by CSD from international agencies for implementing tourism pilot projects based on best practices and conducting integrated research on best management practices.
- Establishment of an international multi stakeholders working group to advice on the planning and implementation of coastal tourism development.
- Establishment of regional coastal management agencies.
- Establishment of a programme to raise public awareness.
- The idea of sustainable tourism education.
- The need for international coordination on indicators for sustainable tourism.
- The need to work on the relationship of tourism and health specially HIV/AIDS.
- Further development on the international framework of voluntary initiatives.
- The need to employ arts for protection of the environment.

**As main shortcomings** at this stage, few such ideas were reflected in decision 7/3 as the outcome of CSD7 on tourism. The author, to compile the NBT Covenant, will use many of these ideas. It was the first experience of CSD to employ multi-stakeholders mechanism in the process of drafting of a decision (based on the decision of CSD6). Probably CSD needs more time to adjust itself with such kinds of contributions and reflect on them in its final decisions.

CDS7 lessons are a valuable experience to be used in any further attempt to achieve an international framework on sustainable NBT.



The high-level segment of CSD7 attracted more ministers than any previous Commission meeting and all participated actively in the dialogue. This was a clear evidence of international interest on the principle agenda of work of CSD7. They considered the draft decision proposed by the inter-sessional ad hoc working group on consumption and Production Patterns and on Tourism and a summary of specific suggestions from the tourism dialogue circulated by the Chairman of CSD7. They agreed with most of the points presented in the summary reports of the chairman from ad hoc working groups and dialogues. They placed the highest priority on the production of a work programme at the current session that identified clear responsibilities for action and reporting deadlines for work, wherever possible. They stressed that business and industry efforts to promote sustainable development, including in partnership with other stakeholders, should be supported. They also agreed that there were a number of points in the summary of suggestions from the tourism dialogue that should be included in the Commission's work programme. A number of ministers made specific recommendations on items that they believed should be endorsed or ones that might benefit from some further fine-tuning. There was a general sense that some activities merited Commission endorsement, including minimising packaging waste associated with the travel and tourism industry; an International Maritime Organisation (IMO) study on the effectiveness of marine pollution regulations, including in relation to tourism activities; and an invitation to specific international organisations and agencies to make information available on practical sustainable development techniques and ways to address/monitor the impact of tourism development.

Some other interesting points examined by the high level segments included: the commitment of industry to be part of the solution to identified problems was welcomed; local authorities also had a special role, particularly in relation to the identification of best practices and planning; initiatives such as Agenda 21 for travel and tourism and Local Agenda 21 were identified as being positive tools for promoting sustainable development; different forms of tourism and local conditions needed to be taken into account on the planning process; war or civil strife was damaging to tourist industries and the environment; and urging to ratify the International Labour Organisation (ILO) agreement to eliminate child sexual exploitation and rigorously to enforce laws that prohibited this.

The full summary analysis of the preparatory process and the reports of SG on sustainable tourism may be found in Appendix IV. The complete review of all preparatory process documents can be found in Annex Second Part of Appendix VIII. Complete analysis of the preparatory process of CSD7 and its effects on decision 7/3 will come in Chapter III.

### **Sustainable Nature Based Tourism and UNCTAD**

CDS was not the only UN developmental organ, which addressed NBT. UNCTAD as a leading UN body dealing with trade and development concerns of developing countries also had a debate

on the issue. The major activities of UNCTAD regarding sustainable tourism after the Rio+5 Summit could be seen in three different ways. It was discussed in the context of Least Developed Countries (LDCs), in the context of e-commerce, and in the framework of the tour operators and travel agencies in developing countries.

In view of the central role of tourism, particularly nature based tourism, in the economy and development of LDCs (it is the primary source of foreign exchange earnings in the 49 LDCs), UNCTAD arranged a High Level meeting on tourism and development in LDCs within the framework of the preparation of the third UN conference on the LDCs on March 2001. The outcome of the ministerial meeting was the Canary Island Declaration on Tourism in LDCs and a Plan of Action for tourism development in LDCs. The Declaration confirmed that, for a large majority of LDCs, tourism development could be an avenue to increase participation in the global economy, alleviate poverty, and achieve socio-economic progress for all the people of these countries. The proposed plan of action referred to the initial need for development of sustainable nature based tourism in weak economies such as that of LDCs. It highlighted four main areas to submit to the UN LDCs III for consideration of support for tourism development in LDCs. The main issues are governmental capacity, tourism industrial capacities and managerial skills, tourism transportation and its synergies with tourism policies, and use of relevant elements of the multilateral trade framework. Under these four areas the meeting developed detailed recommendations to be considered by LDCs III.

The main aim of the Declaration is to encourage the international community to consider the developmental role of tourism in LDCs. Therefore, the dominant trend of the Canary Declaration was the developmental approach of LDCs in the absence of environmental considerations. The meeting also requested the third United Nations Conferences on LDCs (UN LDCs III) to insert the proposed plan of action on tourism in LDCs into its final Programme of Action for the LDCs for the 2001-2010 decade. In May 2001, the UN LDCs III in Brussels adopted the proposal with some amendments to its final Plan of Action for LDCs (UNLDCs III, 2001b). The conference's recommendation on sustainable tourism refers to LDCs and to the donors.

The LDCs' tourism debate in UNCTAD had a kind of similarity with SIDS tourism debate in CSD. Both organs have observed the tourism sector as an opportunity for sustainable development goals of a group of developing countries. UNCTAD preferred to consider tourism in the category of services whereas CSD favoured to address tourism as an economic sector. The result is imitated in the approach of UNCTAD. This organ has not limited itself to a thematic issue such as LDCs while addressing sustainable tourism. UNCTAD therefore, crossed sustainable tourism with other relevant services such as e-commerce or considered it as a commodity and deals with it in trade frameworks.

The outcome of cross-cutting tourism with e-commerce is e-tourism, which was the topic of the expert groups convened by the Trade and Development Board of UNCTAD, in September 2000. The meeting 'Electronic Commerce and Tourism' has its root on the Para 148 of the Plan of

Action (UNCTAD, 2000c) of UNCTAD10 and examined the major issues that affect tourism as a result of the development of electronic commerce including how electronic commerce can improve customer service, reduce costs and promote market expansion(UNCTAD, 2000g).

The UNCTAD expert meeting on 'Electronic Commerce and Tourism' did not produce a consensus paper. Instead, the chairman of the meeting introduced his conclusion in the form of the Chairperson's summary of the experts' informal discussions. In his conclusion, the chairman made two groups of recommendations towards the governments and enterprises as well as towards UNCTAD. They include the principle of the right to be informed and the principle of international information circulation and liberalisation, integration of e-tourism to overall planning, research on different impacts of e-tourism on sustainable tourism development, and promote capacity building in e-tourism. It emphasises the participatory principle and assisting DMOs to promote partnership and make joint marketing by using e-tourism and setting up of an international framework to protect transactions.

The summary also made other useful points such the need to transform traditional tourism intermediaries and the adoption of existing information technologies, encouraging the use of new Internet development, the equitable benefit sharing of e-tourism in developed and developing countries, and integrating the new e-tourism channels into traditional and non-traditional distribution channels to foster ecotourism and cultural tourism.

**The main obstacles** to employ e-tourism at local level or at least sharing benefits at national level between developed and developing countries are the lack of sufficient human resources, unqualified management procedures to integrate new and old tourism marketing trends, lack of virtual procedures on capacity building by the international community, lack of appropriate funding mechanism and an inadequate framework for international cooperation. The outcome of the expert group made a few suggestions regarding these vital areas.

Other parallel area on the trade and services relation with tourism was the role of tourism suppliers. The Commission on Trade in Goods and Services, and Commodities of the UNCTAD, at its second session (17-21 November 1997), decided to convene an expert meeting on strengthening the capacity for expanding the tourism sector in developing countries, with particular focus on tour operators, travel agencies and other suppliers. The session were held in June 1998 and approved its Agreed Conclusions(UNCTAD, 1998b).

Prior to analysing the outcome of the above-mentioned expert meeting, it would be useful to pay attention to some facts in this regard;

- International trade in tourism services largely takes place among developed countries.
- International tourism is mainly intra-regional, in 1995 only 18% of tourists travelled outside their regions (UNCTAD, 1998a).
- Geographical proximity to originating markets is a major component of successful export, due to the cost of air transport.
- Higher income tourism requires capital consumer facilities.

- Certain segments of the industry supplying tourism services are dominated by a few large international firms offering integrated services, particularly tour operators and hotel chains.
- Global distribution systems created by powerful carriers to provide all tourism packages, are dominating the most important markets and become the main market and trading tool of international tourism.

The expert meeting attempted to address at least a part of the above-mentioned concerns, considering the developing countries point of views.

One of the major obstacles for clearly measuring the role of the tourism sector in economic development and trade, particularly in developing countries with nature based tourism as a dominant market factor, is the lack of so-called satellite accounts, a uniform system of tourism accounting measurement. The first paragraph of the expert meeting agreed conclusions and recommended to the international community to apply an internationally agreed definition of the tourism sector to facilitate the acceptance and implementation of such a system.

Another noteworthy area is to consider the relationship between the tourism sector and international trade agreements. Such consideration might be included 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.

The expert meeting recommended that to address all these considerations, the international community should refer to GATT and apply its relevant provisions such as article IV and XIX to the tourism sector which observes greater participation of developing countries in international trade in tourism services as well as preventing unfair competition arising from discriminatory practices in the visa issuance and other monopoly advantages.

In addition, the lack of effective mechanisms to deal with anti-competitive practices in the tourism industry, the need the international cooperation in the field of tourism services, capacity building, the need for research and study on the related tourism services, and the air transport services were discussed in expert meeting.

**To conclude,** both CSD and UNCTAD made significant progress to produce adequate documents and relevant international languages on sustainable (nature based) tourism. The CSD process resulted in decision 7/3 on the developmental bases and environmental considerations. UNCTAD also addressed sustainable tourism based on trade and services concerns with the main approach towards developing countries.

A major gap in the work of CSD on sustainable tourism is the follow up of decision 7/3. It was not an extraordinary and continuous progress due to various reasons including the lack of sufficient financial responsibility from donors and relevant international organisations such as Breton Woods institutions, lack of a responsible implementing agency on an international coordinator within relevant tourism specialised agencies and UN bodies, lack of a solid and comprehensive

internationally agreed legal instrument on sustainable (nature based) tourism, and ambiguity of some content of decisions etc.

UNCTAD addressed the tourism sector within its effects on the trade and services of the developing countries. Some of its achievements and recommendations reflected the other international forums such as UN LDCs III summit or SG reports on tourism development, but the main expectation was to transform such achievements to the GATT agreement and formulate a required international instrument addressing tourism related issues and trade and services within the frameworks of GATT negotiations. GATT has not yet an explicit annex on tourism services. Such an annex is required because of the magnitude of tourism's impact on global trade and services. Tourism is the only major sector in international trade and services in which developing countries have consistently had surpluses. Their positive balance in the travel account improved steadily from US\$ 6 billion in 1980 to US\$ 62.2 billion in 1996. Despite impressive overall expansion of their exports, developing countries account for less than 30 per cent of world tourism receipts. On the other hand, the Americas and East Asia and the Pacific were the fastest growing regions over the 90s (UNCTAD, 1998a). Many international forums including the UNCTAD expert meeting envisage the requirement of a GATT annex on tourism-related services to address the above-mentioned issues and regulate international behaviour in these areas.

This could be accounted as another gap in the international tourism instruments.

## Chapter III

### The Outcome of International Developmental Instruments

The present chapter addresses the latest achievements of the international developmental instruments in relation to sustainable nature based tourism. This chapter also examines the latest international endeavours in its challenge to overcome the various deficiencies and weaknesses of existing institutional and procedural structures of international developmental bodies in addressing sustainable development goals based on Agenda 21 and its follow-ups. To that end, the process and outcome of the International Conference on Finance for Development (FfD) will be studied. Such a study provides us with the latest experience of the developmental pillars in tackling the requirements of harmonising trade issues and development needs. It also indicates the existing potentialities and limitations of international developmental bodies. This experience will be used in the drafting and negotiating procedures and management of the proposed Covenant on NBT. Before such study, the achievement and follow up of decision 7/3 should be analysed.

#### The CSD Decision 7/3 as a Landmark Decision

The Commission on Sustainable Development in its seventh session approved the landmark decision of sustainable tourism in decision 7/3 (CSD website 1, 1999).

In the following section some of the outstanding achievements of the tourism sector through decision 7/3 will be discussed and elaborated. The comprehensive review may be found in Appendix IV. In that review the contents of the previous reports of the UN Secretary General, as a symbolic general position of the UN on the issue, will be studied. The discussions on the inter-sessional ad-hoc working group on sustainable consumption and on tourism of CSD7 also will be analysed. It indicates the general positions of government representatives on specific issues. The dialogues of the multi-stakeholders segment of the CSD7 on tourism will be elaborated as well. They show the general contributions of major stakeholders including the tourism industry and local community representatives in the session. Finally, the position of high-level segment sessions as a sign of the policy makers' concerns will also be discussed. As mentioned above, all the details that resulted from the formulation of decision 7/3 can be found in Appendix IV.

The major contribution of decision 7/3 to the sustainable development of tourism and, in particular, NBT can be summarised in the following categories.

**The first category** concerns concepts. The decision 7/3 tried to assist with the clarification of the concept of sustainable tourism and ecotourism. Based on previous discussions in the preparatory process, Para 5(j) of 7/3 invites the international community and all stakeholders to clarify further the concepts of sustainable tourism and eco-tourism. However, it did not participate in its proposal and did not provide any contribution to the clarification of the concept of NBT. The Covenant, in Article II, will define NBT.

**The Second category** concerns strategy setting and policymaking issues.

This category includes the creation of a framework and instruments, the drafting and implementing of a master plan, locally integrated planning approaches, and design with nature in mind. One of the everlasting preoccupations in tourism development is the need to transform existing international agreements, codes of conduct, and other internationally accepted norms into practical instruments to enable local authorities and the tourism industry to implement tourism developments based on such frameworks. There is also a need for the development of integrated national tourism policies and master plans, the development of tourism infrastructure and the promotion of sustainable planning and management of tourism as well as the development of techniques and frameworks for assessing the environmental and social impacts of tourism at the national, regional and local levels. The use of integrated environmental management and social responsibility programmes for sustainable tourism should be promoted. The preparatory process of the CSD7 pointed out the need to develop a range of meaningful and effective planning guidelines, codes of good practice, regulatory frameworks and policy provisions aimed at achieving sustainable tourism (ECOSOC, 1999a). It also spelt out that the international, regional and multilateral agreements and guidelines that address the issue of sustainable tourism's need to effectively translate into practical programmes for implementation by the tourism industry, governments and civil society (ECOSOC, 1999h).

The decision 7/3 in Para 3 (e), therefore, proposes to create the appropriate institutional, legal, economic, social and environmental frameworks 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 assessments for tourist facilities including gender aspects,
- and voluntary initiatives and agreements,

Although this is a step forward on the translation and implementation of international agreements at local level and the creation of national frameworks and instruments, it selects particular areas to highlight. Therefore, the main gap in this case is an incomprehensive approach.

The main elements proposed by the preparatory process of the CSD7 are that every master plan should build on the content of Agenda 21 and provide a focus and direction to all stakeholders. Therefore, in the governmental part of decision 7/3 the commission urges governments to build up and implement their policies and national strategies or master plans for sustainable tourism development based on Agenda 21, to enhance their sustainable tourism development (Para 3 of 7/3).

Paragraph 3 (a) of decision 7/3 proposes the priority areas for the master plans. These are:

- to encourage the local tourism industry,

- to attract foreign direct investment and appropriate environmentally sound technologies,
- and to provide the appropriate focus and direction for the active participation of major groups, including national tourism councils and tourism agencies, the private sector, and the indigenous and local communities.

The decision 7/3 proposes a practical way to draft national strategies and master plans. It contains three needs, local tourism involvement, foreign investments, and major group participations. The main concerns of the master plans are therefore economic and social. The main shortcomings of the master plan will be the lack of environmental considerations, cultural preservation considerations, and the fulfilment of tourists' desires. These important issues are excluded from the list of priorities to be included in the master plan.

Another issue is the need to integrate tourism development into the overall developmental plan at local level. The preparatory process of the CSD7 highlighted this issue. Therefore, Para 5(d) of the decision 7/3 invited the international community and relevant stakeholders to promote the application of integrated planning approaches to tourism development at the local level, including by 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 into Agenda 21 for the Travel and Tourism Industry as well as other such initiatives.

While the preparatory process pointed out the need for the greater involvement of local communities in to the decision-making process, decision 7/3 made a general consideration in the framework of Agenda 21 and did not highlight it. Although, decision 7/3 underlined the use of Local Agenda 21 and Agenda 21 for T&T, there is a lack of recommendations on the use of some other successful experiences such as integrated coastal zone management which was highlighted by the preparatory process of the CSD7. These are some of the shortcomings of decision 7/3 on integrated tourism planning approaches.

Another issue is the need for the preservation of the aesthetic values of the destination both in relation to nature and culture. The preparatory process made clear that there is a need to ensure tourism development planning preserves the natural and cultural legacy, heritage and integrity of tourism destinations. It indicated that indiscriminate tourism development could encourage the intensive or inappropriate use of land, which could cause deforestation, soil erosion and the loss of biological diversity.

Decision 7/3, in Para 4(e), 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 which tourists seek to experience and that sustain the local community, and to undertake measures to restore tourist destinations with degraded environments. This innovative formula will be used in the drafting of the NBT Covenant. The Covenant will address the policy and planning issues in Part VI.



**The third category** concerns socio-cultural issues. This category includes consultation with major groups and local communities, educational initiatives and responsible tourism behaviour, tourism information awareness, sexual exploitation, in-flight education videos, and art and music.

The participatory nature of NBT requires the involvement of all major groups and, in particular, local communities and indigenous people in all NBT activities including decision-making.

The preparatory process of the CSD7 employed an intensive approach towards formulating local community participation in tourism decision-making, management and implementation processes.

As a result of such an approach, Paras 3(b) and (c) of decision 7/3 propose that the consultation in the tourism development process should be implemented with the major groups and the local community in:

- policy formulation, planning, and management,
- the sharing of benefits, which could reflect the need to harmonise the relationship between the people, the community and the environment,
- and ensuring the active participation in tourism-related planning and development.

Decision 7/3, in Para 5(a), also invited the major groups and the international community to promote sustainable tourism development in order to increase the benefits from the tourism resources for the population in those communities and maintain the cultural and environmental integrity of the host community; to encourage cooperation between 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 to provide employment of the local workforce, and to use the local products and skills.

As decision 7/3 proposes, the consultation with major groups, particularly with local communities, is an essential part of sustainability in any tourism development. They should be consulted in not only the formulation, planning and management of tourism developments, but also in the 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 local community consultations. The main deficiency in the formulation of Para 3 of decision 7/3 is using conditional language. Government delegations were careful to draft this part of decision 7/3 to avoid undermining their absolute sovereignty rights. They used words such as “as appropriate” in the beginning of the paragraph and made its content conditional. Para 3(a) and (b) have their roots in the participatory principle and the principle of sustainability as well as the intra generation principle.

One of the attractive topics of the preparatory process of the CSD7 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 need to have an educational plan of action was also highlighted. Such a plan could influence consumer and producer behaviour. The education should focus not only on travellers but also on investors, workers and host communities. The preparatory process indicated that all 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 demands the CSD7, in its decision 7/3, Para 9, welcomed the work of the major groups, especially the business community, trade and tourism industry associations, non-governmental organisations and other groups involved in travel and tourism. It invited them to contribute to efforts to achieve sustainable tourism development, including educational initiatives and action plans based on Agenda 21 and other related documents. It particularly welcomed their commitment to work with all other major groups, to do more, and to report to the CSD on their progress.

The main shortcoming is the procedural approach of the CSD7 on the issue. It did not expand on the content of educational initiatives, but left it vague. However, any attempt to address the issue should consider that the ultimate goal of sustainable tourism education should aim at moving all relevant actors from short-term to long-term thinking and planning.

Tourist awareness and responsible behaviour play an inevitable role in the sustainability of nature based tourism. Raising public awareness of sustainable tourism encourages behaviour that is more responsible. The preparatory process of the CDS7 (ECOSOC, 1999a) evaluated a variety of methods to achieve such a goal. The modifying of products, sustainable marketing, the learning prior to visit mechanism, the development of environmental awareness, the increase of local population awareness, and the use of education curricula and media were amongst these methods.

Decision 7/3, paragraphs 3(l), 4(b), and 5(c), 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 to enable consumers to make informed choices. The industry is called upon 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. All stakeholders are invited to encourage responsible behaviour among tourists by ensuring respect for national laws, cultural values, social norms and traditions as well as by increasing public awareness, in addition to other measures.

The content proposed by decision 7/3 will be used in the drafting of the NBT covenant.

Labour and sexual exploitation was a controversial issue during the preparatory process of the CSD7. 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 forms of exploitation in tourist destinations.

Decision 7/3, Para 3(j), proposed that governments 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 decision 7/3 to distance itself publicly from illegal, abusive or exploitative forms of tourism.

The main shortcoming of 7/3 in this respect is that it does not address properly the issue of the working conditions of vulnerable groups such as women and children. It did not provide an alternative mechanism to prevent sexual abuse. There is a gap in international cooperation to combat the abuse of women and children at global level. Health and drug issues are not mentioned in this part.

Two other interesting initiatives came across in the preparatory process of the CSD7. They are the promotion of sustainable tourism through art and music and in-flight educational videos.

Art has its advantages in the promotion of sustainable tourism development. It was discussed in the multi-stakeholders segment of the CSD7 for the first time and should be considered as one of the direct results of this segment (ECOSOC, 1999h).

Decision 7/3, Para3 (g), endorsed the approach and recommended that governments should welcome the major groups' agreement to promote sustainable tourism development through music, art and drama and to participate in such educational activities.

The use of in-flight videos and publications, to inform passengers about the cultural sensitivities of host communities, is also highlighted in the preparatory process as a tool to promote tourism education (ECOSOC, 1999a).

Decision 7/3, Para 3(h), approved the initiatives and requests for 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.

In my judgment, the deficiency to generalise the use of art for the purpose of tourism education and to facilitate the dissemination of information and awareness is a main shortcoming of 7/3.

The Covenant will address socio-cultural issues raised in this category in Articles X, XI, XIII, XXIII, XXXII, and XLII.

**The fourth category** concerns economic issues. This category includes the eradication of poverty, and small and medium size enterprise issues.

Poverty eradication has been the overriding issue of the main developmental instrument in recent decades. Principle 5 of the Rio Declaration calls for the eradication of poverty as 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 people in the world. Chapter 3 of Agenda 21 is also concerned with combating poverty and enabling the poor to achieve sustainable livelihoods. Therefore, it should be an issue of top priority on the agenda of the international community. NBT could contribute to this aim in various forms based on its characteristics. 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. These potentialities should reflect in the content of any international framework on the sustainable use of NBT resources.

The preparatory process of the CDS7 noted that in some developing countries, particularly those lacking adequate resources, tourism may be the only developmental alternative available in the short to medium term (ECOSOC, 1999a). It has an impact on employment creation, income redistribution and poverty alleviation. Also, the improvements in physical and social infrastructure that usually accompany tourism developments often spill over into the rest of the economy, leading to more widespread social improvements, for example, in health and social welfare.

However, the concentration of services and profits into a few large trans-national corporations often leads to the development of enclaves with no linkage to other socio-economic sectors of the local society and this is a challenge facing the sector. This challenge is limiting the potentiality of the tourism sector to properly tackle poverty alleviation.

As a matter of fact NBT is a two-way street. On the one hand, it can be used as an income-generating tool, and on the other people with relatively better incomes can spend their money in the tourism sector.

Based on the preparatory discussions, 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.

The main shortcoming is that decision 7/3 did not produce a mechanism to integrate the benefits created by tourism into daily life of the local community. It did not provide the means to employ tourism potentiality to the economic advancement aimed at poverty alleviation.

The small and medium-sized tourism firms largely make up the domestic tourism sector. They face diverse problems and challenges in adapting themselves to new international trends. There is a need to develop strategies based on various market niches and specific segments that will enable them to develop new products (ECOSOC, 1999a). Decision 7/3 precisely described these tools as the major engine for job creation in the tourism sector (Para 3-i).

The preparatory process of the CSD7 highlighted that SMEs should be supported by financial and industrial support services, investment policies, tax incentives and deregulation, access to markets, sources of information, training (ECOSOC, 1999b), and access to foreign direct investment and government incentives and publicity (ECOSOC, 1999i).

Decision 7/3, in its Para 3(i), made clear that to promote a favourable framework for SMEs governments should:

- reduce administrative burdens,
- facilitate access to capital,
- provide training in management and other skills.

The main deficiencies are the lack of access for SMEs to FDI and the lack of incentive measure to support them. Their role in local and national tourism development also should be addressed. The Covenant will address poverty eradication and SMEs in Article XVII.

**The Fifth category** concerns environmental issues. This category includes voluntary initiatives, eco-efficiency, waste reduction and management, the development of indicators, and coastal zone fragility.

Voluntary Initiatives (V I) are policies 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. They may improve dialogue and trust between business, government and public and provide opportunities for innovation and flexibility in meeting environmental goals.

The preparatory process of the CSD7 addressed V I and expressed the need and functions of V I (ECOSOC, 1999a) as a self-regulatory means. It highlighted that V I should be monitored, assessed and reported.

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. It suggested that an inventory and assessment of existing V I should be made.

Decision 7/3, Para 4(a), called upon the tourism industry to develop environmentally, socially and culturally compatible forms of tourism. It invited the industry 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, 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.

The main shortcoming here is the lack of an offer of facilities to the existing successful V I. The 7/3 also did not provide a mechanism to identify the criteria for acceptable V I.

Indicators are essential tools for the improvement of sustainable development including sustainable NBT. They enable local and national authorities to improve the implementation of sustainable tourism based on the concept of sustainable development. The linkage between indicators and monitoring, decision-making, and carrying capacity are discussed in the preparatory process of the CSD7. The process pointed out that indicators have the capacity to monitor the performance of the tourism industry. They should be open to independent auditing, transparent, and serve the decision makers (ECOSOC, 1999h).

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 WTO/OMT and other

relevant organisations, as well as the ongoing testing phase of indicators for sustainable development.

The main shortcoming here is the lack of a mandate for indicators in NBT particularly in relation to the carrying capacity of the destination and identification of the impact of NBT on the culture and environment of NBT sites.

Eco-efficiency was highlighted in the preparatory process of the CSD7. Taking measures to minimise all forms of waste, conserve energy and freshwater resources, control harmful emissions to the environment, and using local materials and technologies appropriate to local conditions was pointed out (ECOSOC, 1999a).

Decision 7/3, Paras 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,
- and reduce the volume of packaging waste.

However, the relationship between eco-efficiency and the user-pays principle, full costing of precious resources, over consumption of water and energy, and the use of eco-efficiency income in the development and management were not highlighted.

Tourism, like other sectors, uses resources, generates wastes and creates environmental, cultural and social costs and benefits in the process (UN GASS, 1997a).

The preparatory process of the CSD7 highlighted the need to treat waste generated by tourists, the need to increase physical infrastructure or capacity for waste treatment, and control water, air and soil pollution (ECOSOC, 1999a).

The Commission in 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.

The main shortcoming here is the reluctance of other stakeholders including governments to address the issue. Decision 7/3 also did not provide the direction, guidelines or instruments to deal with waste production.

There is a need to identify and classify the waste generated by NBT and propose specific solutions for each category. Article 15 of the Draft Covenant will try to come up with new ideas based on existing experiences.

Many coastal areas are 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.

The preparatory process of the CSD7 highlighted various issues including the unchecked construction of tourism facilities, coastal development systems, integrated coastal zone

management, biophysical and cultural limits, and the establishment of regional or international bodies on coastal management.

The CSD in Para 7 of decision 7/3 invited 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.

The main deficiency here is the lack of identification and classification of coastal and marine waste and pollution. The interaction of marine pollution and coastal degradation is untouched. Decision 7/3 also did not propose any instrument to deal with marine and coastal pollution. The proposed Draft Covenant will address these issues in its Article XVI. The Covenant also will address the fourth category issues in its Articles XV, XXVII, XXVIII, and XXIX.

**The sixth category** concerns procedural issues. This category includes capacity building, the dissemination of information, the exchange of information on services, the research and study on needed areas, and the establishment of global networks.

Capacity building was highlighted during the preparatory process of the CDS7. It highlighted the strengthening of institutional capacity building, the strengthening of regional cooperation on capacity building for tourism, the importance of international assistance for capacity building (ECOSOC, 1999a), human resources development and the training of local workers, strengthening of secondary, vocational and advanced education for indigenous people, and capacity building among local authorities (ECOSOC, 1999a).

The objective is to help local governments understand their responsibilities, develop integrated and participatory approaches, and define and implement policies for sustainable tourism (ECOSOC, 1999d).

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), and 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 the 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 the 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 the local community, increases the number of indigenous senior managers in tourism development, eradicates potential areas of misunderstanding and friction, and decreases anti-tourism sensations and feelings of alienation and exploitation. The result is a more effective protection of NBT sites and the preservation of local cultural heritage. As the SG, in his report, (ECOSOC, 1999a), correctly 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.

Decision 7/3 pointed out capacity building as a supportive tool to national efforts to achieve sustainable tourism development alongside other vital instruments such as EIAs and education in the field of tourism or international financial and technical assistance. It will remain on the agenda of the follow up body of 7/3 to be considered by an ad hoc informal open-ended working group on tourism.

The main shortcoming of the proposal of decision 7/3 is the lack of focus on the capacity building of other stakeholders including local authorities and institutional capacities.

The objectives of capacity building and the mechanisms to achieve them should be defined. The Covenant will address these deficiencies in Article XXVI.

The preparatory process of the CSD7 examined dissemination of information, the need to disseminate best practices, to facilitate the international exchange of information, experience and technical skills (ECOSOC, 1999a), and the promotion of best practices and further research to identify such practices was highlighted.

The CSD in Para 5(e) of decision 7/3 invited all stakeholders to provide relevant direction for 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.

Regarding the exchange of information, decision 7/3, 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,
- and the ways to minimise the effects of natural disasters on tourism.

Decision 7/3 proposed that possible forms of this information exchange should be explored in consultation with relevant partners, utilising, inter alia, such means as bilateral and multilateral arrangements.

The establishment of a global network to enhance and strengthen international coordination and monitoring systems was highlighted by the preparatory process (ECOSOC, 1999a) with a view to promoting the positive aspects and minimising the negative impacts of tourism.



Paragraph 5(m) of decision 7/3 invited all stakeholders to consider establishing a global network, taking into account the work of the WTO/OMT, regional mechanisms and all major groups, as appropriate, to promote the exchange of information and views on sustainable tourism development, including ecotourism.

Decision 7/3 recognised the need for the dissemination of information on good practices, the exchange of information on services, and the establishing of a global network. It was good, but not enough. The proposed areas are parts of a global system that should be used as international technical and scientific cooperation on NBT. The main shortcoming of decision 7/3 in this issue is that it did not introduce the CHM and did not identify the basis for its function. The Covenant will address the issue of the CHM and will provide the specifications for a CHM in Article XXX.

The idea of research and study in the required areas was developed during the preparatory process of the CDS7. In this regard, the studies on leakages of foreign exchange, the impact of all-inclusive tours on the financial sustainability, local communities' involvement, and environmental impact studies are highlighted (ECOSOC, 1999a).

Paragraph 5(g) of 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.

The main shortcoming here is the lack of an institutional framework for conducting research and studies, and the dissemination of the achievements worldwide. The Covenant will propose such an institutional framework in the CE and provide a mechanism to involve scientists in the decision-making process through NMB and IMB, and identify the most needed areas for research in Article XXXV.

**The seventh category** concerns institutional issues. This category includes international cooperation, an ad-hoc informal open-ended working group on tourism, the implementation and enforcement of standards and guidelines related to tourism, the development of guiding principles for sustainable tourism development, international guidelines on tourism activity in sensitive areas, and a supporting Global Code of Ethics for tourism.

International cooperation was discussed in the preparatory process of the CSD7. The main objectives were harmonising efforts, using international assistance in a proper way, and avoiding duplication. The need for international assistance including from the international financial institutions (UN GASS, 1997a), the provision of international financial and technical assistance with regulating tourism (ECOSOC, 1999a), and establishing an international mechanism for cooperation in tourism as highlighted during the preparatory process.

Paragraphs 5(h) and 5(b) of decision 7/3 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, the 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,
- and appropriate technologies in all aspects of sustainable tourism development, including environmental impact assessments and management and education in the field of tourism.

The main shortcoming here is the mixture of two important and separate issues. These are international financial resources and international cooperation and partnerships. Each of them should be properly addressed and formulated. In relation to international financial resources, the use of ODA in NBT, the duties of origin countries regarding destination countries, and the obligations of international financial bodies should be clearly defined. Decision 7/3 did not pay attention to this provision. The Covenant will do so in Article XXXVI. With regard to international cooperation and partnership, the basis for such cooperation should be clarified. It is also necessary to identify fields of cooperation. Decision 7/3 identified three of them. The Covenant in its Article XXXVIII will examine all these issues.

The establishment of an ad-hoc, informal, open-ended working group on tourism was raised during the preparatory process of the CSD7. The process highlighted the need for policy coordination and cooperation at the international level to address the global environmental impacts of tourism, as well as issues of biological diversity, coastal area management and ecotourism (ECOSOC, 1999a).

Paragraph 10 of decision 7/3 invited the UN Secretariat and the WTO/OMT, 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.

This paragraph could be considered as a follow-up programme for decision 7/3. The follow-up of 7/3 will be analysed within the next pages.

The implementation and enforcement of standards and guidelines related to tourism were also highlighted during the preparatory process of the CSD7. It highlighted the importance of considering the content of the Copenhagen Declaration on Social Development in tourism development. This included core standards related to working conditions, occupational safety and health and social security (ECOSOC, 1999a), and to ratify and implement existing agreements, codes and regulations of the ILO (ECOSOC, 1999h).

Paragraph 3(k) of decision 7/3 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 and guidelines relevant to the travel and tourism industry, such as in the labour and health fields,
- to support initiatives, especially through organisations like the ILO and the WHO that would make an early and positive contribution to sustainable tourism development.

Paragraph 4(g) of decision 7/3 called upon the tourism industry to meet or, preferably, exceed relevant national and international labour standards.

Encouraging governments to join international instruments is a good gesture. It should be accompanied by the provision of feasible and definite interests or an explanation of how they will benefit from joining to such instruments. Decision 7/3 did not provide such advantages to encourage governments to join or properly implement international instruments regarding tourism. The Covenant will encourage state members to join to relevant international agreements in Article XLIII. They can then enjoy the rights and benefits that are described throughout the Covenant particularly in parts III, IV, V, and VII.

The need to develop guiding principles for sustainable tourism development and international guidelines on tourism activity in sensitive areas was pointed out during preparatory process of the CSD7. The need to support the ongoing work to develop global guidelines on biological diversity and sustainable tourism in the CBD, principles for the implementation of sustainable tourism in UNEP, setting up internationally recognised reporting standards, external monitoring, and accreditation systems (ECOSOC, 1999a), regulating NBT in ecologically sensitive areas, and de-marketing approach for protecting sensitive-overloaded areas are highlighted (ECOSOC, 1999h).

Paragraph 5(n) of decision 7/3 invited the international community and relevant major groups to cooperate with UNEP in further developing guiding principles for sustainable tourism development.

Paragraph 8 of decision 7/3 invited the COP of the CBD 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.

The results of the CDB and UNEP endeavours will be analysed in Chapter IV.

The Global Code of Ethics/Code of Conduct for Tourism is one of the latest achievements of the WTO/OMT in regulating tourism activities and the preparatory process of the CSD7 pointed this out. It encourages governments to work towards the formulation and eventual adoption of a Global Code of Ethics for Tourism (ECOSOC, 1999a) and proposed the development of a sustainable tourism covenant with major groups' participation in promoting higher standards of tourist behaviour (ECOSOC, 1999h).

Paragraph 6 of decision 7/3 invited the WTO/OMT 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.

The process of negotiation, preparation, and adoption of the Code can be found in Third Part of Appendix VIII and a brief analysis is available in Chapter VI.

To conclude, the main achievements of decision 7/3 have been discussed above. These achievements will be used in the drafting of the NBT Covenant. There are various shortcomings. These gaps were identified above, case by case. They will assist the author in dealing with these gaps and shortcomings when drafting the Covenant.

As well as the specific shortcomings mentioned above and in a more general sense, decision 7/3 has two types of shortcomings. They are conceptual and procedural shortcomings. The conceptual shortcomings are related to the concepts and issues addressed by decision 7/3. The procedural shortcomings are mostly in relation to the follow-ups and procedural issues.

### **Conceptual Experiences and Shortcomings of Decision 7/3**

Despite many achievements, decision 7/3 fails to address several important issues related to sustainable tourism in general and NBT in particular. The main conceptual shortcomings of decision 7/3 include the lack of a comprehensive clarification of the rights and obligations of the major stockholders, the lack of a comprehensive provision on policy and planning including integrated planning, and environmental and developmental policies. Other major shortcomings of decision 7/3 are the lack of an introduction of tools and policies regarding implementation and coordination matters such as EIAs, monitoring and reporting procedures, carrying capacity issues, a CHM, and ESTs.

Decision 7/3 also fails to address several demands of the international community during the preparatory process of the CSD7, particularly those of major stakeholders (ECOSOC, 1999h) (E/CN.17/1999/20) and the SG of UN (ECOSOC, 1999a) (E/CN.17/1999/5). They are as follows:

- the linkage between tourism and trade agreements and services, (Para 25 of 17/1999/5),
- measurement of tourism activities and tourism accounting (Para 28 of 17/1999/5),
- the role of banks and insurance companies in the tourism sector (Para 72 of 17/1999/5),
- monitoring and reporting (Para 76 of 17/1999/5 and Para 24 of 17/1999/20),
- the user-pays principle ( Para 72 of 17/1999/5 and Paras 12, 18, 26, 31 of 17/1999/20),
- the transfer of environmentally sound technology (Para 79 of 17/1999/5),
- the financing environmentally friendly tourism projects ( Para 27 of 17/1999/5),
- fresh water (Para 56 of 17/1999/5 and Para 11 of 17/1999/20),
- carrying capacity (Para33 of 17/1999/5 and Para 7 of 17/1999/20),
- tourism impact assessment and management ( Paras 56, 61 of 17/99/5 and Paras 8, 31 of 17/99/20),

- the transboundary impact of tourism ( Para 79 of 17/99/5),
- eco-labelling (Para 62 of 17/1999/5 and Para 30 of 17/1999/20),
- senior ecotourism ( Para 9 of high level segment),
- sustainable tourism education (Para 13, 14, 15 of multi-stakeholders segment),
- the seasonality of the market (Paras 22, 43 of 17/99/5),
- tourism and health (Para 21 of multi-stakeholders segment),
- immigration regulations, the inflow of tourism, market liberalisation, (Paras 62, 71 of 17/99/5),
- overcrowding and ratio (Para 31 of 17/1999/5 and Para 22 of 17/1999/20),
- challenges to the established culture (Para 31 of 17/99/5),
- regional cooperation (Para 83 of 17/1999/5 and Para 38 of 17/99/20),
- and local coordination (Para 15i of 17/1999/20),

Many of these issues have a high priority in the development of a comprehensive international instrument dealing with sustainable nature based tourism. In various parts, the Covenant will cover some of these according to their priority at this stage.

### **Procedural Experiences and Shortcomings of Decision 7/3**

Decision 7/3 as reviewed contains valuable instruments for the further work of the international community. It urges governments, industry and the relevant major groups to ratify, implement, and monitor the existing relevant international agreements. It encourages the international community to facilitate the formulation and eventual adaptation of ongoing negotiation of new international agreements in this area. It provides guidelines for steps forward on more regulatory approaches in the fields of NBT and sustainable forms of tourism development. Some of these suggestions have been fulfilled, for example the Global Code of Ethics of the WTO/OMT.

**The WGT** is the first experience of the follow-up of decision 7/3. Based on Para 10, the WTO had the responsibility to organise an ad-hoc, informal, open-ended working group on tourism. Further to the CSD7, the Inter-Agency Committee on Sustainable Development (IACSD) entrusted the WTO with the task of convening the first session of the tourism working group for January 2000 and report on the achievement of the meeting.

The working group on tourism held its first session in Heredia, Costa Rica, on 20 and 21 January 2000. It was composed of 10 state members of the WTO committee on sustainable development of tourism in the absence of local community and trade union representatives. The WTO set the agenda of the meeting which revolved around the constitution of the Working Group on Tourism (WGT): its membership, the way in which it would undertake its tasks, its internal communications procedures, its funding and other such operational and logistic aspects. The meeting noted that the CSD7 had decided on a long list of tasks but had made no funding provisions to undertake them. Many other questions were raised within the meeting including; can

priority areas set out by Para 10 of 7/3 realistically be implemented before the Rio + 10 Summit in 2002? Is there a responsible stakeholder that could lead the work? Is there sufficient documentation, and human and financial resources, to carry it out?

The WGT concluded its work by submitting a programme of work on priority issues to be addressed by the WGT from February 2000 through to the UN Rio+10 conference in 2002. The WTO announced that the continuation of the work depended on the availability of funds. The WGT have held no other meetings since.

The major reasons for the WGT becoming fruitless were the lack of institutional arrangements, an ignoring of the capacity of the international body (WTO/OMT) to carry out the task which is referred to, the lack of sufficient funding, non-comprehensive attendance by all important members of major groups, and insufficient involvement of the CSD in the management of the meeting.

Another experience is **the CBD initiative** on the implementation of decision 7/3. The CBD initiative aims to fulfil Para 8 of 7/3 by 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. The CBD convened a number of workshops on Biological Diversity and Sustainable Tourism based on Para 8 of 7/3 and the COP5 decision V/25, on biological diversity and tourism. The final workshop was convened in Santo Domingo from 4 to 7 June 2001 and adopted draft international guidelines for activities related to sustainable tourism development in vulnerable areas. The draft guidelines were to be submitted to the 7<sup>th</sup> session of SBSTTA for its endorsement and onward submission to the COP6 of the CBD for consideration and formal endorsement in April 2002. The CBD were also to submit it to the CSD10. As far as this thesis is concerned, such a process is still uncompleted.

Although the process of drafting guidelines at Santa Domingo is more tangible than the experience of the WGT, both have ignored the participatory principle and the need of having all stakeholders involved. The Santa Domingo Draft will be evaluated later on in Chapter IV.

However, the main procedural shortcoming of the CSD on sustainable tourism development is the lack of adequate follow-up. Although the CSD7 on several occasions refers to its next sessions for considering reports on the progress and implementation of specific parts of decision 7/3, none of the post-CSD7 sessions consider tourism substantially. Even the CSD10 did not consider the issue as proposed by the five-year programme of work adopted in the CSD7. The CSD10 was engaged in preparing for the WSSD and had to put all its resources into that process. As a result, it did not play even a procedural role in keeping the CSD7 momentum on Decision 7/3. The CSD8 expected to receive a WTO/OMT report on the Costa Rica meeting. The WTO/OMT as a host of the meeting provided the CSD8 with only an oral report. In addition, there was no report on decision 7/3 per se to the CSD10. The only UN style report after the CSD7 was a report of the WTO/OMT

on sustainable tourism as a contribution to the WSSD (ECOSOC, 2001b), which has not directly addressed decision 7/3.

The procedural experience of the CSD7 decision 7/3 will be useful for setting procedures and ways and means for the further consideration of the Draft Covenant by the international community. This and other experiences such as the FfD process and the IEG process will identify the capacity of the international community as a whole and the potentiality and reliability of each international organisation in particular to deal with the negotiation and adaptation procedures of the NBT Covenant.

For this reason, the process of the FfD will be studied to learn more lessons in this regard. Although, the FfD does not directly address tourism, its outcome automatically affects all developmental activities related to international or UN organisations including tourism. It is also a good model to assess the potentiality of the developmental pillars to address, within its mandates, new and emerging issues such as NBA.

### **International Conference on Financing for Development (FfD)**

From 1999 on, the international community has revisited some of the gaps within the international developmental instruments and agreements in order to address as much as possible the new and emerging developmental needs and fill the spaces.

The international community recognised that the coordination of international efforts to confront problematic areas in the developmental subjects is a vital approach to achieve the proposed goals. Another important deficiency within the activities of the developmental bodies of the UN is the governance of international financial resources and their interaction with developmental issues.

The International Conference on Financing for Development was organised to address these above-mentioned issues. The conference and its preparatory process tried to concentrate on the institutional deficiency of international mechanisms addressing developmental issues.

Therefore, the elaboration of the FfD process enables us to understand better the potential of the international community to adjust and reform existing developmental and financial mechanisms. If this potential exists and can be realised, it could serve as a guideline for proposing any new initiative regarding sustainable development issues, including sustainable nature based tourism.

In the post-Rio era, one of the emerging issues was the coherence amongst various issues raised by Agenda 21 including implementing instruments.

The challenges of globalisation today cannot be adequately handled by an international system that was largely designed for the world of 50 years ago. Changes in international economic governance have not kept pace with the growth of international interdependence. To see how the international community reacts to the new and emerging needs and to elaborate such a reaction in the context of interaction between international developmental instruments, the international

conference on Financing for development is selected as an important recent UN event on reforming relevant financial and developmental issues and institutions.

The conference was held in March 2002 in Monterey, Mexico and addressed several issues such as trade, debt, domestic issues, private flows, ODA, and systematic issues. The systematic issues related to the possible need for a new international arrangement with better coherence and coordination among relevant international organisations. This part of the conference will be reviewed here.

As it is well known, the IMF and the World Bank, the Bretton Woods institutions, play a key role in the world economy. The IMF has responsibility for monitoring and guiding countries' macroeconomic policies and, when guidance fails, managing the ensuing crises. The World Bank is the premier international development bank and profoundly influences the strategies that countries adopt to promote development. Yet in practice, the operation of both institutions is often criticised. The Fund, for example, does very little to influence the macroeconomic policies adopted by its major members with a view to bringing the interests of the smaller countries to bear. Conditionality is another perennial source of complaint from borrowing countries. The basic principles of Fund conditionality and of directing Bank lending to countries with a good policy environment are widely endorsed. Nevertheless, concerns are frequently expressed about the breadth of Fund conditionality, the perceived arrogance of its staff, and the application of a one-size-fits-all approach to policies, as well as insensitivity to political realities (UNGA, 2002d).

The importance of their mandates makes the governance of both Bretton Woods institutions a key issue. Both the IMF and the World Bank are governed by a very different voting structure from the one-country, one-vote arrangement that prevails in the United Nations. Both organisations instead have a system in which a country's voting weight (on both the governing board and, more importantly, the executive board) depends upon its quota, which in turn is determined (and periodically renegotiated) against the background of a formula that reflects the country's weight in the world economy. Some decisions require a supermajority vote, of either 70 or 85 per cent, in order to pass. This in effect gives the developing countries, acting collectively, a veto over such decisions. But the size of the United States' quota allows it to veto unilaterally any decision that requires an 85 per cent majority. This includes decisions to amend the Articles of Agreement as well as, most importantly, changes in quotas and allocations of SDRs.

The practical impact of this voting structure is to place the decision-making power firmly in the hands of the industrial countries, (although the developing countries did use their collective veto once, in 1994). This has been a perennial source of criticism among those who regard the one-country, one-vote arrangement as more democratic.

It is a fact of life that creditors expect to control organisations in which they place money. Were the creditors reduced to minority voting status, the likelihood is that their support would be curtailed, which would emasculate the effectiveness of the Bretton Woods institutions.



Acceptance of this reality, however, should not preclude the continuation of attempts to correct anomalies in their governance.

In the preparatory meetings of the FfD, the creations of two new international coordinating mechanisms were proposed by various states and civil societies.

One idea was to establish an International Tax Organisation (ITO). At the very least, such an organisation could compile statistics, identify trends and problems, present reports, offer technical assistance, and provide a forum for the exchange of ideas and the development of norms for tax policy and tax administration. It could engage in surveillance of tax developments in the same way that the IMF maintains surveillance of macroeconomic policies. Going further, it might engage in negotiations with tax havens to persuade them to desist from harmful tax competition.

The other major initiative in existing international economic arrangements was the absence of any apex organisation with political legitimacy. One of the key recommendations of the 1995 Commission on Global Governance was a new institution to address this need. The commission argued of (the 1995 Commission report; *Our Global Neighbourhood*, pp. 153-54) as follows:

“The international community has no satisfactory way to consider global economic problems in the round and the linkages between economic, social, environment, and security issues in the widest sense. The boundaries between issues of trade, competition policy, environment, macroeconomic policy, and social policy are increasingly blurred ...global interdependence is growing, and traditional institutional arrangements no longer suffice. Political structures that can articulate a sense of common interest and mediate differences are not keeping pace ... at a global level”.

The Commission concluded that what was needed to fill this gap was an Economic Security Council (ESC) within the United Nations. This body would have the same standing on international economic matters that the Security Council has with regard to peace and security. Its tasks would be to monitor the state of the world economy, to supervise interactions among the major policy areas, to provide a strategic framework for policy made in the several international organisations and secure consistency across their policy goals, and to promote intergovernmental dialogue on the evolution of the global economic system.

Another approach, which arose in the preparatory process of the FfD, would be for the United Nations to convene a Global Economic Governance Summit on a one-off basis, with the possibility of it deciding to perpetuate itself as an ESC if the first meeting proved worthwhile. Its agenda would be focused on the operation of the multilateral system, and on evaluating the need for new global institutions.

To deal with such concerns, in June 1997 the General Assembly, in adopting the Agenda for Development, decided that “Due consideration should be given to modalities for conducting an intergovernmental dialogue on the financing of development, taking into account the recommendation by the Secretary-General”(UNGA Resolution, 1997b).

From 1997 until the convening of the Monterrey Conference, many procedural developments took place in the preparatory process of the FfD. The first working paper of the Facilitator of the FfD (A/AC.257/24) and the High-Level Panel recommendations called the Zedillo Report (UNGA, 2002d) were released in the first half of 2001.

In November 2001, a Revised Draft Outcome prepared by the Facilitator, based on discussions held during the second part of the third session of the Preparatory Committee, was issued.

The Preparatory Committee for transmittance to the conference formally adopted the draft text of the Monterrey Consensus. The International Conference on Financing for Development was held from 18 to 22 March 2002 in Monterrey, Mexico.

More information concerning the preparatory process and a chronology of the FfD can be found in Appendix V.

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 matters for the preparatory process on addressing systematic issues were as follows (UN FfD, 2001f):

- 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,

More information about the process of negotiation from the first to final stage of the negotiations at the Monterrey Conference on FfD can be found in Appendix V.

The Monterrey Consensus (UN FfD, 2001e) , as the final outcome of the international conference on Financing for Development, in section F addressed systematic issues. It made several amendments and changes to the revised draft outcome.

The general guidelines were 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''(UN FfD, 2001e).

On the reform of international financial architecture, the draft was changed: "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''(UN FfD, 2001e).

The text relating to the improvement of 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''(UN FfD, 2001e).

The participatory decision-making of the draft was changed 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''(UN FfD, 2001e).

Particular recommendations to each institution were 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''(UN FfD, 2001e).

On filling organisational gaps, the draft was changed: "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''(UN FfD, 2001e).

### **Major Achievements and some of the Failure of the Monterrey Conference**

The major achievements of the FfD may be described as follows:

- Recognition of the urgent need to enhance the coherence, governance, and consistency of the international monetary, financial and trading systems.
- Underlining the importance of the improvement of global economic governance and strengthening the UN leadership role in promoting development.
- Encouraging the policy and programme coordination of international institutions and coherence at operational and international levels to meet the Millennium Declaration development goals.
- Recognising the need for the effective participation of developing countries and a transparent approach on any effort at reform of international financial architecture.

- Broadening the base for decision-making on issues of development concern and filling organisational gaps as major areas for good economic governance is emphasised. The improvement of interaction of all international organisations is also encouraged.
- The need to broaden and strengthen the participation of all in international economic decision-making and norm setting is stressed. Finding pragmatic and innovative ways on effective participation is the first priority.
- Some useful and innovative ideas arose on strengthening the effectiveness of the global economic system's support for development, including considering gender perspectives in development policies, strengthening international tax cooperation and promoting the role of the regional commissions and the regional development banks in economic and development regional policy dialogue. However, the actions encouraged by the Declaration on cooperation between the UN system and the WTO or Breton Woods institutions and even the ILO, have the traditional style of the UNGA resolutions and need to develop in further stages.

**The main deficiencies or shortcomings** of the FfD are reflected in the deletion of the following important issues in the process of FfD negotiations:

- In the second and third round of negotiations the important and substantive idea of the creation of a world economic council as reflected in Para 58 of the first draft of Facilitator was deleted. The idea of the good governance circumstances in international institutions reflected in Para 42 was also deleted, and major amendments took place regarding almost all substantive issues relating to the systematic issues part of the first draft.
- 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 of the UN system and enabling its GA to make the global economic system work for all' is totally removed.

**Some of the other shortcomings** of the Monterrey conference are laid out below:

- The reform of international financial architecture is very much linked to domestic financial sectors and national development efforts. Any failure to achieve substantive reform may excuse international institutions because of the lack of domestic compliance.
- Global good governance is limited to a certain area of implementation. On the decision-making process, the advice is too vague regarding the specific issue of development and does not address other areas such as financing.
- Although capacity building is an utmost demand of developing countries, the notion of it in the participatory decision-making process shows to some extent, that the lack of enough capacity is the main obstacle for developing countries to effectively participate in the decision-making process of international developmental institutions.
- The action that the Declaration encourages on the part of relevant individual institutions to put in place to facilitate effective participation of developing countries and countries with economies in transition in international dialogues and decision-making processes seems to be

a symbolic one. The effectiveness of such actions may be shadowed by organisational procedures of the above-mentioned institutions such as Breton Woods.

- The role of the UN, proposed by the Facilitator in his draft outcome, as the “fundamental pillar for the promotion of international cooperation to make globalisation work for all” and the central position of the GA as “the chief deliberative, policy-making and representative organ of the United Nations” is downgraded as being an equal organisation to the WTO and Bretton Woods institutions and should be coordinated with other economic and developmental institutions outside the UN and improve its relation with the WTO. It is not envisaged within the Declaration who should supervise the proposed improvement in cooperation and relations.
- The idea of setting up a world economic body as a comprehensive, high level political organ under the aegis of the UN to lead and coordinate major international organisations and provide a long-term strategic policy framework on global economic and development issues, was considered as an inappropriate measure to address the global economic governance deficit by a group of influential countries. This idea, therefore, is not reflected in the final text of the Monterey Declaration. Another development in relation to global economic governance is to disregard the idea of the Facilitator in his first draft outcome on becoming a more accountable, responsive, and transparent forum to public concerns. It seems in the eyes of the conference that such kinds of reforms in the relevant international institutions are sufficient to cope with international community demands.

**Lessons learned;** The main lesson learned from the FfD process is that the international community is not yet ready to make substantial reforms to the mandate of the core body of the UN. Also, the other international organisations, particularly Bretton Woods institutions, are not in the position to distribute their central power to the participatory decision-making process. Meanwhile, it shows that there is room for gradual improvement based on the participation of all stakeholders to address the interests of developed countries through appropriate international organisations and UN bodies to achieve a new international developmental instrument. This hope increases particularly if such a new instrument could interact with environmental issues and addresses new areas such as NBT. Therefore, the process of moving the Covenant ahead within the international community should be carefully examined.

## **Chapter IV**

### **Analytical Review of International Environmental Instruments**

There is a complex relationship between tourism and the environment. Given its scale and global extent, it is inevitable that tourism has important environmental impacts. These impacts are related to resource consumption and the pollution and waste generated by tourism activities. At the same time, beaches, mountains, rivers, forests and biological diversity make the environment a basic resource upon which the tourism industry depends to thrive and grow, and therefore threats to the environment threaten the viability of the tourism industry. However, in various circumstances, tourism can significantly contribute to environmental protection (ECOSOC, 1999d).

The potential for tourism to generate economic development has been largely accepted. National governments looked to tourism as a generator of income, as a means of earning foreign exchange, as a source of employment, and as a means of bringing wider economic benefits to regions with otherwise limited economic potential.

With the expansion of the tourism industry, the social and environmental impacts of mass tourism began to present themselves. These impacts included the modification of indigenous cultures, increases in prostitution and crime, the pollution of sensitive natural areas, and the excessive use of energy and water resources. National tourism authorities in the 90's had generally come to realize that the economic benefits of tourism would not be achievable in the long run unless tourism was properly planned and managed to include an explicit concern for the social and environmental assets upon which its future prosperity depended. They understand that tourism's role in economic development is important but it cannot be considered in a vacuum. The social and environmental implications of tourism development must be integrated into development policy. One way of measuring the importance of tourism in economic development is to examine the share of tourism in the national income, employment, export earnings and tax revenues. On this basis, few other traded activities could claim to rival the economic significance of world tourism. According to WTO, tourism contributes about 1.5 per cent of world gross national product (GNP), a little over 8 per cent of world merchandise exports by value and almost 35 per cent of the value of world exports of services in 1998. Tourism is also a significant employer, the hotel accommodation sector alone employing about 11.3 million people worldwide (WTO/OMT, 1998b). Such an enormous contribution is only attainable if the environment of the destination can support tourism demands. The viability of nature based tourism can be threatened by environmental degradation including loss of biological diversity and landscape attractiveness, water and air pollution, global warming, and the lack of freshwater. Nevertheless, sustainable nature based tourism can contribute to environmental protection, the conservation of biological diversity and the sustainable use of natural resources. It can do this by providing resources and financial contributions and raising awareness as well as provision of an environmental

infrastructure and improved environmental management in parks, protected areas and cultural and natural sites. As the SG recalled in his report on tourism and environment in 1999, such a contribution is one of the main reasons explaining the interest in the development of nature based tourism (ECOSOC, 1999d). To understand the costs and benefits of nature based tourism a more systematic analysis is needed. In addition, the review and assessment of the latest achievements and decisions of international environmental organisations on sustainable nature based tourism can provide useful bases for further initiatives.

In this regard, the recent activities of UNEP and CBD as the most important international organisations on environmental decision-making are re-examined.

### **United Nations Environment Programme (UNEP)**

The Commission on Sustainable Development has selected UNEP as one of the Interagency Coordinators or lead agencies responsible for the implementation of Agenda 21 issues on sustainable (nature based) tourism.

According to UNEP, it has developed its strategy for sustainable tourism development to promote sustainable tourism among government agencies and industry, to develop sustainable tourism tools for protected/sensitive area management, and to support implementation of multilateral environmental agreements related to tourism (UNEP DTIE website 3).

UNEP addresses sustainable (nature based) tourism in different programmes and units including the Division of Environmental Conventions, Division of Environmental Information Assessment and Early Warning, UNEP/GEF coordinator office, Global Programme of Action for the protection of the marine environment from land-based activities, Mediterranean Action Plan, The Caribbean and the East Asia Regional Coordination Units, the Regional Office for Asia and the Pacific and other regional offices. Sustainable nature based tourism is considered as an item or sometimes a sub-item within the large mandate and responsibilities of the above programmes or divisions. The main body of UNEP responsible for tourism is the Tourism Programme of the Production and Consumption Unit (UNEP DTIE).

After its creation at the Stockholm Conference, UNEP faced an enormous mission to manage international environmental behaviour and protect the international environmental heritage of humankind with inadequate staff, minimal funding, and a location far from the decision-making centres of the UN system. These issues will be explored further in the end of this part. At the Rio summit, UNEP had other concerns regarding its principle mandate. Many developmental organs of the UN were keen to redistribute the authority over environmental affairs within the UN system. It was a difficult time for UNEP to keep its mandate and safeguard the decisions of Stockholm concerning the distribution of responsibilities for environmental affairs within its agenda. Under such circumstances, there was less opportunity for UNEP to raise sustainable nature based tourism issues of the Rio summit.



After Rio, UNEP's mandate remained formally unchanged although any significant development in other core deficiencies such as budget and its structure, its governance over international environmental issues and agreements and so on stayed the same. Before 2000, the dominant approach of the UNEP tourism programme included participating in policymaking and guidelines setting at an international level. After 2000 probably because of the retirement of the key UNEP tourism staff, the main orientation of the organisation turned to more pragmatic areas such as cooperation with major stakeholders particularly industry and tour operators.

Four main areas of the activities of UNEP have selected for further discussion. They include UNEP's draft principles on sustainable tourism, V I, environmental code of conduct for tourism, tourism eco-labels, and guidelines for planning and managing sustainable tourism in protected areas. All of them are of the concerns of the Covenant. Therefore, the experience of UNEP on dealing with each of them will be used in the formulation of the NBT Covenant.

### **UNEP's 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. 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 time of launching the UNEP initiative coincided with CSD7 and the adoption of decision 7/3. 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 may be regarded as an environmental approach to tackle nature based tourism.

The UNEP Principle's main topics are as follows;

**National tourism strategies, 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). Moreover, 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).

**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 these 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). However, the first and foremost requirement for all mentioned issues 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).

**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.

**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 NBT projects, inter-agency coordination is necessary. 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 responsibilities of each party should be clearly defined and complements 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).

**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 NBT 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).

**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).

**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).

**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 NBT 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).

**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).

**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 were 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).

**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).

**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 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's interests.

**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 made 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 also recommends 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).

**To conclude**, one of the innovations of the UNEP principle on sustainable tourism is formatting the titles and categorising issues in a useful and concrete manner. It contains four main groups of subjects and each one examines related sub-titles. The difficulty in tourism environmental-related issues is that a single content can be related to several other subjects and therefore grouping these issues is a careful, complex and sometimes unattainable procedure.

The principle formulates some of the potentially controversial concepts in NBT policies regarding implementation in a delicate manner. These concepts include ESTs, V I, carrying capacity, capacity building, and so on.

The UNEP principle brings out and develops some new and innovative ideas such as compliance measures, reconciling conflict resource uses, and exchange of information. It puts adequate emphasis on tourism national plans and strategy as well as reform of the legislation framework on sustainable tourism.

The **main shortcomings** of the principles described above are the lack of introducing principles for NBT. Although it called 'Principle on sustainable tourism', it focused on the policy and policy-related issues instead of introduction of principles. Therefore, the main shortcoming of the UNEP Principle is the lack of general principles, environmental principles, social and developmental principles, and sustainable tourism principles. The Covenant will provide with these principles in its Articles IV, V, VI, and VII.

Another important shortcoming is the lack of clarification of the rights and obligations of each stakeholder. Without acknowledging them, policymaking would be a difficult job to do. The Covenant particularly in its Part III will address the issue at destination level.

The Principle also does not pay enough attention to some essential issues such as EIA, the tourism industry and more importantly international cooperation and financial matters. It did not come up with an effective proposal to address sustainable tourism at an international level and provide an international framework for development of the UNEP principles and relevant initiatives for internationally regulating nature based tourism. The creation of financial mechanisms seems to be out of the mandate of the Principle.

One observation that is more important is that the 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.

### **Voluntary Initiatives**

Based on its characters and mandate, the UNEP addresses the sustainability of NBT by groundbreaking means such as voluntary initiatives or producing codes of conduct in sensitive and protected areas. As Agenda 21 pointed out, the conventional and regulatory approaches should be accompanied by new tools such as voluntary initiatives, economic incentives, information campaigns etc to address sustainable development requirements properly. However, voluntary

initiatives are necessary to complement and, in some cases, parallel international cooperation, national policy, law and regulatory instruments and other approaches. UNEP recognised that such complementary measures could play a significant role in protecting the environment.

Voluntary initiatives are designed to improve industry or sector performance over and above requirements set by international agreements and by national law and regulation. They need to strive for continual improvement and, rather than serving as a barrier to participation by a large portion of companies in the sector, they should provide incentives for participation. Therefore, their flexibility to achieve sustainable development objectives, their consistency in approach across the sector to improve performance, and their verifiability by a third party make them more effective. They should be designed at an appropriate level for specific sets of issues.

The international community as a whole has not appreciated the efficiency of voluntary initiatives. On the one hand, those in favour argue that the voluntary principle is a tool to encourage individual companies to set new boundaries for what can be considered good environmental practice. On the other hand, many argue for mandatory approaches to meeting environmental goals and standards, claiming that experience gained from a large portion of the industry covered by voluntary initiatives demonstrate the ineffectiveness of them as a tool in driving improvement in the industry's environmental performance.

According to UNEP the **key advantages of successful V I** are:

- They make Long-term cultural changes to business management and shift from reactionary, consumer based production, and financial-cost attitudes to proactive, cleaner production, economic-savings behaviour.
- They improve dialogue and trust between industry and government, and industry and the public, leading to more co-operative relationships and greater regulatory certainty.
- They provide greater flexibility to regulations, particularly in complex or rapidly changing contexts, offering more ambitious goals, lowering administrative and enforcement costs, and leading to faster implementation than legislation.
- They also have important constraints on achieving their objectives. The voluntary approach is limited to areas where there is a business interest in changing behaviour (e.g. cost-effectiveness, public recognition, avoidance of future regulations, etc).
- Voluntary measures are also unable to incite all companies to invest in environmental protection and cannot, on their own, deal with negligent or consistently poor performers.
- They are limited to setting or enforcing emission limits or discharge requirements for individual facilities.

Voluntary measures need to be developed and applied differently in different cultural and socio-economic contexts. This makes it difficult to ensure that voluntary environmental commitments are met equally globally(UNEP DTIE website 5).

After the Rio Summit, in 1998, the CSD endorsed the interactive dialogue that took place between governments, industry, trade unions, NGO's, and international organisations in the industry

segment organised during its sixth session. In his summary (ECOSOC, 1999h), the chairman of the industry segment of CSD6 reported that voluntary initiatives should encompass transparency, accountability and workplace mechanisms, allow monitoring and assessment of corporate practice, ensure access to information for workers, community members and governments to evaluate the effect of corporate decisions and practices; set quantifiable objectives and comply with environmental law; reflect indicators of sustainable development promoted by ILO; and incorporate the principles of the “right to know”, “whistle-blower protection” and the “right to refuse” work where workplace activities were shown to be harmful to the environment. They should be complemented on the government’s regulatory framework. In his view, the voluntary initiative could be developed by effective dialogue between multi-stakeholders. He also highlighted the need to improve the quality and scope of reporting on voluntary initiatives and agreements by industry through addressing adequately the issues of transparency, independent verification, standardisation and stakeholder involvement. The CSD also invited DESA, in cooperation with UNEP and UNIDO, to report to the Commission at its seventh session on how voluntary initiatives and agreements could contribute to the future work of the Commission (Para 18 of decision 6/2). In response to these mandates, a Multi-Stakeholder Consultative Meeting was convened in Toronto in March 1999, to identify the key elements of a review of voluntary initiatives and agreements and to examine the lessons learned. The Toronto meeting identified at least nine elements that would need to be considered in the context of any review with a view to stimulating better understanding and continual improvement. These elements are impetus and context, purpose and design of voluntary initiatives and agreements, multi-stakeholders participation, commitment to sustain a voluntary initiative, mutual trust and respect, monitoring and assessment, verification, communication, and replication and capacity building. The meeting also came up with the idea of preparing an information package such as a “tool kit”, on voluntary initiatives and agreements. This information manual would inform parties interested in initiating a voluntary initiative or agreement on how to proceed with its design, implementation, monitoring, assessment and improvement. Further discussion on the draft tool kit was suggested. The SG in his 1999 report on voluntary initiatives (ECOSOC, 1999f) and agreements proposed that CSD7 should consider the outcome of the Toronto meeting and decide on the future work of Voluntary Initiatives.

The CSD7 in its decision 7/6 on voluntary initiatives and agreements (V I) recognises that V I should complement regulatory frameworks, encourages future work on V I, and generates information by all stakeholders as well as further dialogue among all relevant major groups and other stakeholders on voluntary initiatives and agreements and information products, such as the toolkit. It also stresses the need for better understanding and analysis of the possible impact of V I on developing countries.

In spite of the outcome of decision 6/2, as well as the Toronto meeting followed up by decision 7/6, the debate on further development of voluntary initiatives is still unclear. According to the



report of the SG on the follow-up work on voluntary initiatives and agreements, (ECOSOC, 2000a) further consultation meetings similar to the Toronto meeting of March 1999 were not planned owing to the need to bring to maturity other issues under discussion. Discussions on the further development of the tool kit idea have also been inconclusive. One way of understanding better the reason for such uncertainty is to go back over the positions of the main stakeholders at the Toronto meeting and evaluate how near or far they were from the core issues within the concept of voluntary initiatives. The main dilemma was and is the role of V I in the management and decision-making process. From the business point of view regulatory mechanisms at the local, national, regional and international levels in the form of laws, standards and agreements are important and business will continue to endorse the complementary role and, in some cases, the leading role that voluntary initiatives and agreements play in this regard (ECOSOC, 1999f). For them therefore, voluntary initiatives are parallel and sometimes dominant over the regulatory mechanism.

On the other hand, trade unions consider that V I should clearly identify the regulations or standards they claim to complement. They do not accept the limited view of voluntary initiatives or agreements as simply “complements to regulation”. In their view, voluntary initiatives should take place within the context of a clearly marked-out and integrated regulatory reform process where standards are improved and strengthened. In this view, therefore, the primary role belongs to the regulatory mechanism. For NGO's a key focus of follow-up action needs to be the exploration of the value of voluntary initiatives and agreements in developing countries. Therefore, they want to examine the content as well as the main players of each voluntary initiative alongside the approach of such initiatives instead of general comments or judgements.

However, the various departments of UNEP, including tourism related ones, take the new self regulatory procedure as an opportunity to enhance the contribution of industries to more effective protection of the environment and have always focussed on encouraging industry to improve their environmental performance to not just meet, but to go beyond regulations, particularly in countries where the legislative and regulatory frameworks are still weak. UNEP is involved in making V I more effective by developing guidelines for voluntary industry initiatives in general such as the 1998 Voluntary Industry Codes of Conduct for the Environment, and more specifically in the tourism industry like the 1994 Environmental Codes of Conduct for Tourism. UNEP has also published an Industry and Environment review of voluntary initiatives in 1998 and later on hosted a workshop on voluntary initiatives in Paris on 20 September 2000. This brought together thirty-five representatives of industry, governments, labour, environmental groups and academic institutions to review the lessons learnt from current voluntary initiatives and to review stakeholders' views and roles as well as to determine the next steps needed to make voluntary initiatives more effective for sustainable development (UNEP industry outreach website).

UNEP's contribution to V I on the tourism industry includes research on the most common types of voluntary initiatives and their use in the tourism industry. Among the various types of voluntary

initiatives relevant to NBT, the two most important and widespread, eco-labels and environmental codes of conduct, are selected to study in order to evaluate their effectiveness and efficiency on the regulation of NBT.

### **Environmental Code of Conduct for Tourism**

The **Environmental code of conduct for tourism** (UNEP IE, 1995) published by UNEP in 1995 is a technical report based on the results of a three-year survey and analysis of existing voluntary environmental codes of conduct in tourism, developed by countries, industry associations and NGOs.

The survey, inter alia, focused on the host and guest environmental codes of conduct and proposed that successful codes should consider the role of the host community in tourism development while safeguarding its cultural and traditional values as well as enhancing its environmental awareness and assisting with the provision of tourist products in a balanced manner.

The dominant approach among the tourism destinations environmental codes identified by this survey is that these codes normally address: the social and cultural norms and practices of the host community; the economic development of the destination; and the protection and preservation of the environment.

The survey reviewed some interesting tourist environmental codes of conduct such as Ten Commandments on eco-tourism (ASTA/Club Med), The Himalayan tourist code (Tourism Concern), Guide for turtle watching (Trinidad and Tobago), Welcome to Heidelberg, 20 tips for visitors (English Tourism Board), Environmental tips for world trips (American Automobile Association), Charter of cultural tourism (ICOMOS), and Guidelines for the visitor (European tour operators association)

The environmental codes regarding tourist behaviour, such as the above, contain general behaviour, specific tourist activity, and/or site-specific guidelines. ASTA's Ten Commandments and the Himalayan tourist code can be considered general behaviour codes which address planning trips at the destination as well as some advice about destination. The Guide for turtle watching is an example of specific tourist activity codes. They are normally produced by local authorities to advise on the respect of wildlife and the ecosystem, disposal of waste and respect of the local culture and legislation. The site-specific code such as Antarctica visitors, Anapurna conservation area in Nepal, and/or guides for Heidelberg in Germany normally provide the visitors with some advice on the protection of the natural and cultural environment of the site, energy and waste management, and the purchase of eco-labelled products.

The survey also reviewed various valuable nature based tourism codes of conduct for the industry including Canada's code of ethics and guidelines for industry, the charter for environmental action in the international hotel and catering industry (International hotels environment initiative), sustainable tourism; the challenge of the 1990s for Finnish tourism (Finnish tourist board),

Principle for the tourism industry in New Zealand, Travel industry association of America, PATA code for environmentally responsible tourism, WWF/Tourism Concern principles for sustainable tourism, Code of environmental practice (Australian Tourism Industry Association), AIT/FIA Charter of ethics for tourism and environment, Principles for balanced development (English Tourism Board), Ecotourism manifesto (The Africa Travel Association), The international youth hotels federation environmental charter (Hostelling International), and Guidance for those organising and conducting tourism and non-governmental activities in the Antarctic (Attachment to recommendation XVIII-I adapted by ATCM).

Each of the above codes provides useful and, in some cases, a unique experience regarding voluntary codes of behaviour in nature based tourism. For example, the WWF/Tourism Concern proposes the conservation and sustainable use of resources alongside reducing over-consumption and waste and supporting local economies as well as undertaking research and responsible tourism marketing. The AIT and FIA highlight the human values of the destinations, tourism and health, protection of flora and fauna, tourism and education and promoting alternative solutions and careful planning.

However, the most common approaches of these central voluntary codes are the need for more responsible behaviour of the tourism industry regarding the environmental impact of tourism development, and the need to consider human and environmental sustainability as an overall commitment. They also recognised the vital role of the principle of public environmental awareness, the principle of inter-agency cooperation, the principle of environmentally sound management practices, and the principle of spatial planning and the aesthetic value of nature alongside the principle of sustainability, the principle of sustainable use of natural resources and the principle of integration of the environment and development.

The survey indicated that for the implementation of tourism environmental codes of conduct various delivery means such as dissemination procedures and publicity campaigns, publication, seminars and conferences, pilot projects, awards, education, training and technical assistance need to be addressed.

As it is clear, the base of almost all environmental codes of conduct for tourism is the revitalisation of the moral obligation of their audience as producers and consumers. In fact, if a regulatory body does not manage the audience behaviour within the tourism industry it is likely to be unpredictable. It is true that most people involved in NBT are sensitive to environmental protection principles, but in the case of touring in sensitive and/or protected areas more restrictive regulatory behaviour is needed to be certain of the application of minimum standards.

The implementations of the codes are an essential part of the realisation of their potential benefits and according to the UNEP survey is dependent on the role of the mass media and other public media attitudes. In this theory, the destiny of the natural heritage is dependent on two provisions. First, the general moral obligations on environmental protection among the audience should be strong and secondly, the public and mass media should fully cooperate to reinforce it. The lack of

either of those will potentially create an unsustainable situation for the environment of the destination where the only protection tool is voluntary codes of behaviour.

For such reasons it is essential to measure the progress achieved and share the results where codes are implemented. Monitoring and reporting are important parts of viable environmental tourism codes of conduct. Tools such as environmental audits and total quality management enable codes to monitor their implementation and progress to achieve their objectives. The monitoring and reporting assist the assessment of progress and performances as well as serving as a tool to enhance public awareness and openness. Monitoring can be used to measure the response and the level of acceptance of the contents of codes, measure the extent of implementation of the code, identify the areas of failure and take appropriate measures to reach the goals defined. The survey introduced Green Globe (WTTC) and The Green evaluation programme (The Ecotourism Society-TES) as useful monitoring approaches for environmental code of conduct for tourism. At its final evaluation the survey pointed out that after monitoring and reporting, the new codes should suggest a mechanism to monitor customer awareness to understand the likelihood of change. It also proposed that the industry might adopt or decide to promote some form of code enforcement. Nature based tourism, above all other kinds of tourism, depends on the conservation and protection of the environment which is its main trading asset.

**In conclusion**, the idea of self-regulation was welcomed overwhelmingly in NBT. It provides necessary conditions to improve and enhance the practicability of the voluntary codes in NBT better than in other sectors of the whole industry. Important codes on NBT contain the primary requirements such as being positive, specific, and action oriented. These specifications are not the only requirements for effective voluntary codes of conduct in NBT. They should consider implementation and monitoring as an integrated part of codes. For effective monitoring, the codes should propose appropriate guidelines as a tool for constant, focused, and science-based monitoring. It should be an approach toward preserving biodiversity and reducing pollution. It should be a tool for raising general awareness and facilitating relationships between all stakeholders and the environment. Moreover, the successful codes should report on their progress and achievements. The reporting also requires guiding principles to be followed. These important lessons will be used to compile Article XXVIII of the Covenant.

The **main gap** in many of the codes under the survey of UNEP is their sectoral approaches. It is mainly because of their desire to avoid either vagueness or being too specific. A code should be comprehensive if it is to be successful. It should address the concerns of the destination alongside industry and customer needs as well as service providers such as tour operators. To achieve such a code, tangible cooperation is required amongst all major non-governmental stakeholders on a specific common interest issue such as Antarctica tourism or tropical protected forest tourism. In contrast, a comprehensive code should provide effective monitoring and evaluation approaches as well as benefiting from appropriate enforcement mechanisms and reporting systems. The most important elements of a comprehensive voluntary code of conduct for NBT in a specific field or

area are benefit from an overall management strategy. For the implementation of such a management strategy, all relevant stakeholders should engage. They should design it, with the close consultation of concerned governments and relevant international or regional organisations.

**Another important shortcoming** is the lack of an enforcement mechanism as a common deficiency of the vast numbers of codes in the UNEP survey. The enforcement part of V I could act as an encouragement instrument or a punishment measure. The beaches in Europe that consider the provisions of Blue Flag are awarded by this voluntary initiative and the European commission takes note of such an award to provide further facilities to awardees. The Antarctic Tour Operators, through their association, are influencing developments in Antarctica since they are determined on expelling any members that do not adhere strictly to the association's code. Such enforcement measures could increase the effectiveness of the code and its capability to be considered by regulatory tools as a partner or, moreover, to replace them. The comprehensiveness and enforcement also will be considered in the compiling of Article XXVIII and XXIX.

### **Tourism Ecolabels**

Ecolabels can help tourism suppliers identify critical environmental issues, speed up the implementation of eco-efficient solutions, and lead to effective ways of monitoring and reporting on environmental performance. While ecolabels can help sell tourism products, they also help identify products that decrease the use of resources such as energy and water, reducing costs for the operator. Ecolabels are thus both marketing and an environmental management tools.

A UNEP 1998 survey on **"Ecolabels in the Tourism Industry"** (UNEP IE, 1998c) examines the role of ecolabels within the context of voluntary self-regulation in the tourism industry. It aims to help those applying for ecolabels understand better the nature of ecolabels schemes, and to provide a guide for all those involved in designing and operating them.

The "Ecolabels in the tourism industry" is an analysis of ecolabelling practices in tourism and may be considered a second step, after the environmental code of conduct for tourism, in promoting and diffusing self regulatory instruments in the industry. About 28 schemes were selected for analysis in the UNEP survey. An interesting point is that the environmental awards were excluded from the survey because UNEP believes they differ in many ways from ecolabels.

As the survey indicated, there are no schemes developed by regional organisations. The public authorities are very active to produce schemes, and industry associations promote a high rate of participation. The private sector has a poor role whilst NGO's have a fair role in developing schemes. The weak approach of the private sector and regional organisations should be taken into consideration for further work on the presentation of new schemes at an international level. The primary goal for ecolabels is protection of consumers' rights and the environment. The Seaside Award's primary objective is to provide the public with readily accessible information on recreational beaches while the Kleinwalser Valley Environmental Award's primary goal is to

protect the environment. Another objective of ecolabels is to improve environmental performances. The Australian National Ecotourism Accreditation programme claims that the programme has been developed by industry for industry, addressing the need to identify genuine ecotourism operators in Australia. The Green Globe's (WTTC) primary objective is the promotion of industry self-regulation and the Green Leaf's (Thailand) primary goal is to improve the efficiency of hotels and related businesses.

The scope and objectives of a large number of these schemes under the UNEP survey are not widespread and their approaches are mostly sectoral, in services or facilities, and geographical locations. The main dilemma after the formulation of such schemes is the criteria for joining them. Almost all ecolabels schemes establish a list of criteria that applicants have to satisfy to qualify for the services provided by the scheme. The most effective way to set criteria is to involve as much as possible the relevant major groups and stakeholders such as tour operators, hotel chains, and tourists. The lack of an international endeavour to achieve a globally accepted scheme for tourism with appropriate membership criteria is a real problem. Recently the European Commission developed a scheme for ecolabelling based on Regulation (N° 880/92 of 23 March 1992, O J L99 of 11.4.1992) of a Community eco-label award scheme. The Regulation established a voluntary eco-label scheme intended to promote the design, production, marketing and use of products which have a reduced environmental impact during their entire life cycle, and provide consumers with better information on the environmental impact of products. This scheme is part of a more market-oriented policy approach consistent with the principles and objectives of the fifth EC environmental action programme.

Under the Community eco-label scheme, an ecolabel may be awarded to products which are in compliance with specific ecological criteria for the corresponding product groups. The criteria must be established by product groups, according to a procedure set out by the Regulation. They must be set using a cradle-to-grave approach and should consider all the relevant environmental aspects related to all the various stages of life of a product including pre-production, production, distribution, utilisation, and disposal. A new revised Regulation entered into force in 2000 streamlining the scheme, widening the scope of the scheme to services, introducing decreased fee structures, increasing the transparency of the Scheme and improving stakeholder involvement. The Commission will review the Scheme again before the end of September 2005.

Several Decisions have been adopted for the implementation of the Scheme: the rules of procedure of the EUEB and the Consultation Forum, the standard contract and the fees to be applied by the Competent Bodies. The ecological criteria of the various groups are also defined through Commission Decisions (EC website 1, 2000).

Based on such a scheme, the first European ecolabel criteria for tourism accommodation services were adopted in February 2003. The criteria target energy and water consumption, waste production, use of renewable resources, and promotion of environmental communication and education. According to the European Commission, the mandatory and optional nature of criteria

are so defined that a wide range of accommodation, from mountain huts to hotel chains, is covered. The new Decision is valid from 1 May 2003 to 30 April 2007.

One of the specifications of the schemes under the UNEP study is the lack of equal priorities. To address this deficiency the schemes should consider the various views at a sectoral level such as the local community and entrepreneurs, NGO's and public authorities and other points of views. The participatory principle alongside the cooperative approach could make the ecolabels more effective. The cooperative approach has been used in some schemes. The Australian Ecolabel for tourism establishes a sort of criterion based on the cooperation between government and members of the industry and NGO's. The criteria of the Seaside award scheme, launched by NGO's, were designed in cooperation with local authorities and sectoral experts. Ecotel, promoted by the private sector, developed its criteria to consider existing US governmental agencies' standards. The criteria set out by schemes need to be updated and should have mechanisms for periodical adjustment. The Blue Flag and Australian Ecolabel for Tourism benefit from such mechanisms.

However, every effective and successful scheme should address at least the water management, solid and water waste management, energy efficiency, purchasing policies, transport and traffic, noisy pollution and air emissions. They should also address landscape and cultural heritage, visitor information and communication with guests, staff training and cleaning policies, education and training, local relations and contribution to the local development and conservation efforts, wild life and habitat management and environmental impact management, and action on the design and construction of facilities. The Green Globe minimum standard requirements deal with waste minimisation, reuse and recycling as well as energy efficiency, conservation and management alongside management of freshwater resources and wastewater management. The Tyrolean Environmental seal of quality sets obligation criteria for waste prevention, waste utilisation and disposal of water effluents, energy, air, soil, transport, noise and information.

According to the UNEP survey, the normal procedures for dealing with applications for membership are verification, evaluation, and monitoring. The verification procedure is the means to understand the eligibility of the applicant to be a member of the scheme which is normally implemented through a site visit alongside requesting justificative material and consumer feedback. The evaluation process could be applied through quantitative evaluation or a qualitative evaluation which normally depends on the judgment of the evaluation team. Then, the scheme assesses and rates the level of the applicant. Monitoring which is essential for effective environmental action and a fundamental part of the credibility of any scheme, could be based on the regular or occasional site visit, visitor feedback, third party monitoring, and/or self-monitoring. The 2003 EC ecological criteria for tourism accommodation were divided into mandatory criteria, all of which must be complied with, and optional criteria. The criteria aim is to limit the main environmental impacts from the three phases of the service's life cycle (purchasing, provision of the service, waste). In particular, they aim to limit water and energy consumption, limit waste

production, favour the use of renewable resources and of substances, which are less hazardous to the environment, and promote environmental communication and education.

The specific assessment and verification requirements are indicated within each criterion. According to this EC scheme, test methods and standards other than those indicated for each criterion may be used if the Competent Body assessing the application accepts their equivalence. Where the applicant is required to provide declarations, documentation, analyses, test reports, or other evidence to show compliance with the criteria, it is understood that these may originate from the applicant as appropriate. Competent Bodies may require supporting documentation and may carry out independent verifications.

Most of the schemes under the UNEP survey are funded by contributions from the applicants. They rely on the volunteers as main human resources. One way to deal with the financial and administrative situation of a scheme is to assign some of the required tasks to existing staff in promoters' offices.

Technical support plays a significant role in identifying problems and solutions of the ecolabel scheme and could be considered as an additional source of income for the scheme. They are normally publicised through publications, application forms, site visits, environmental plans, listing of green suppliers, communications, databases and on-line services, seminars and training workshops. The assessment of the scheme is an important part to address the deficiency of the scheme and up date it appropriately.

**To conclude**, every scheme should contain rules about payments, services and fees, monitoring structure, duration of the award, assessment procedures and terms of the use of the logo, suspension conditions, and dispute resolution.

As a **main shortcoming** and as far as this thesis is concerned, there is not a global or even regional mechanism providing an effective means to evaluate the effectiveness of ecolabels. Such instruments assist the NBT industry to adjust itself to new and demanding environmental concerns and customers' behaviour. There are other shortcomings, which need attention. The traditional approach of tourism ecolabels should be adjusted with other new areas of demand such as transport and destination issues. Broader scope initiatives are needed in this regard. New or updated schemes should consider more participatory approaches and take in to account the involvement of all relevant stakeholders. To that aim, the establishment of an institutional framework to review and decide about new and emerging factors affecting all stakeholders could serve properly. The involvement of all stakeholders facilitates tackling environmental concerns. Many existing ecolabels are designed to deal with management issues of tourism facilities and there is a need to run a new generation of ecolabels to address other important aspects of nature based tourism such as siting and designing, use of environmentally sound technologies, environmental auditing and reporting.

There are various valuable **lessons learned** from the ecolabel study. One of them is that the successful ecolabel scheme should be based on the principle of transparency. It works with a



multi-criteria approach to cover the whole life cycle including purchasing, provision of the service, and waste. It should have selective approaches based on its voluntary natures.

Others are that the Ecolabels have a great advantage compared to normal regulatory measures on managing NBT's environmental impacts. They benefit from their selective approach because they only award those products with the lowest environmental impact and, therefore, their main mandate is encouraging environmental protection by considering a logical economic approach. In contrast, because of their voluntary trends, they avoid the creation of unnecessary barriers to trade. This is a general characteristic of voluntary initiatives. In ecolabels, such a characteristic is more emboldened because the applicant should follow the criteria set out by the scheme operator. Hence, the applicants can protest against the possible barrier created by the scheme. This specification of ecolabels could play an important role in balancing the current international challenge on the creation of trade barriers at the international environmental based agreements and negotiations. All these lessons could assist writing of the Covenant's Articles related to incentive measures and NBT awards.

### **Rule setting and Guidelines making**

Another noteworthy contribution of UNEP to NBT 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 NBT 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'** (Eagles, McCool, & Haynes, 2002). 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" (Eagles et al., 2002). The joint publication of UNEP and IUCN consist of comprehensive guidelines detailing both the theory and practice of managing tourism in protected areas. The Guidelines is produced for managers in protected areas. It is a very detailed research, and could not be easily summarised.

In a very general basis, the major issues addressed by the Guidelines are socio-economic issues, participatory issues, and the policy issues relating to implementation and coordination.

**Socio-economic issues:** This topic contains the eco-tourism features, market segments, and security and safety of tourists. Nature based tourists create new opportunities while they have particular characteristics. They are mostly high-level educated as well as elderly and/or early-retired rich tourists. Women are very influential to select destinations for family holidays. Short and fast trips imply new circumstances. Considering these factors, protected area managers should ensure that while visitors have opportunities to participate in desired activities<sup>1</sup> segmentation of the market is a tool used to predict tourists' 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.<sup>2</sup> The safety and security factors of the destination are important in NBT. Any kind of social disorders such as terrorism and war as well as lack of public safety or basic health and sanitation requirements create a negative reputation for a destination, which makes it very difficult to rebuild visitor confidence. The visitor risk management is an important component of NBT management and should take place in the NBT management<sup>3</sup>.

**Participatory issues:** This topic addresses participation of all stakeholders in the planning process, tourism industry, and public-private relationships. The key issue in NBT in protected areas is the participation of all stakeholders including local communities, park managers, tourism operators, and visitors and taking their views into account for successful planning. Such a plan should encompass various stages. 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<sup>4</sup>. The new economic, security, regional instability, global climate change, and cost of energy and water make tourism markets and the tourism industry more interested in NBT in such circumstances. Protected areas' managers should benefit from such trends<sup>5</sup>. 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 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, public safety, and distribution of information through interpretation or visitor centres as well as conflict resolutions. Typically, the private sector provides most of the services and consumer products<sup>6</sup>.

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<sup>1</sup> More information on 3.1.1-6 and 3.2.1 of the guidelines

<sup>2</sup> more information on 3.1.7 and 3.2.2 on the guidelines

<sup>3</sup> More information in 6.1.1, 6.1.2, 6.1.3, 6.1.4 and 3.1.9 of the guidelines

<sup>4</sup> More information in 8.3, 4.7, 4.5.1, 4.5.2, and 4.5.3 of the guidelines

<sup>5</sup> more information in 3.2.1, and 3.1.8

<sup>6</sup> more information in 9.3 of the guidelines

**Policy issues relating to implementation and coordination:** This topic addresses the destination issues, carrying capacity, rural development, increasing environmental awareness, human resources, research, fund raising opportunities, and conflict resolutions.

The destination factors are broadly discussed by the guidelines. They are categorised as environmental, social, cultural and economic factors. Development of NBT facilities in protected areas should be committed to environmental protection by minimising the negative environmental impact of visitor support services, creating an atmosphere in which visitors feel they are in a special place, and educating and demonstrating the value of sustainable, innovative and effective solutions by setting an environmentally sensitive design. Tourism in protected areas also should be based on its benefits and costs<sup>7</sup>.

The economic aspect of NBT is related to its potentiality to increase jobs and income in a local area or region. The main economic benefits of NBT 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. The major economic costs of NBT are more demands for basic services such as policing, fire, safety and health care and their adverse effects on the local financial situation. There 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<sup>8</sup>.

The major social benefits of NBT include promoting aesthetic, spiritual, and other values related to well-being, supporting environmental education for visitors and locals, improving intercultural understanding, developing handicrafts, increasing the education level of local people, 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, and social vulnerability to exploitation<sup>9</sup>.

NBT is 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>10</sup>

Protected areas are well placed to take advantage of green consumption and environmentally friendly behaviour trends as they embody the values that NBT hold. Interpretation and education is a useful instrument to increase environmental awareness<sup>11</sup>.

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

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7 More information in 3.5.2, 3.4.3, 3.3 and 5.2.1

8 More information in 8.1, 8.2, 3.3, 3.3.1, 3.1.11, and 3.4.1

9 More information in 3.4.2, 5.1, 5.1.1, 5.1.2 of guidelines

10 More information in 3.3.3

11 More information in 7.6, 3.1.10 of the guidelines

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 Guidelines identifies various methods for such a purpose. They include the Limits of the Acceptable Change Planning Process (LAC)<sup>12</sup>, the Process for Visitor Impact Management (VIM), the Recreation Opportunity Spectrum (ROS), and the Visitor Experience Resource Protection (VERP)<sup>13</sup>.

Human resource management should integrate into protected area management plans. 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. Human resource management in NBT should consider the recruitment and selection of qualified candidates for vacant positions, human resource development, and performance evaluation as vital processes for effective management.<sup>14</sup>

The management of accommodation in the protected areas is based on the public-private sector relationship. 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. The visitor centres should be discreetly designed, carefully sited and sympathetically landscaped. 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<sup>15</sup>.

Monitoring is the systematic and periodic measurement of key indicators of biophysical and social conditions. Monitoring in protected areas should frequently address tourists' impacts 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<sup>16</sup>.

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 NBT include the involvement of a wide range of researchers in a multi disciplinary research approach. The relevant authorities should introduce an inventory of potential research topics. It is also necessary to encourage, and support good research work, and stimulate further interest in the field by providing awards.<sup>17</sup>

Fund-raising is a crucial issue in the management of NBT in sensitive and protected areas. The main resource for protected areas income is the government through the national budget which is

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<sup>12</sup> More information in 6.3.1, 6.3.2 and appendix D of the guidelines

<sup>13</sup> More information in Appendix D of guidelines

<sup>14</sup> More information in chapter 10 of the guidelines

<sup>15</sup> More information in 5.2.2, 5.3, and 7.3

<sup>16</sup> more information on the chapter 11 of the guidelines

<sup>17</sup> More information in 11.4 of the guidelines

typically tied to political considerations. Other prevalent income resources of protected areas are nature based tourism related sources such as entrance fees or tourism services. 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. Another initiative is the benefit of parastatal agencies in the development and management of protected areas. Recently corporate contributions became a common approach particularly in developed countries. Another financial resource to support protected areas is international developmental assistance. In general, multilateral bank funding is available only to governments or to private sectors projects expressly approved by governments, which contain a poverty relief component. Another form of international assistance is debt-for-nature swaps. In this approach, a part of the official debt of a government is exchanged for local currency to invest in a domestic environmental protection project<sup>18</sup>.

To address the conflicts in protected areas or other sites of NBT areas 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<sup>19</sup>.

The full analysis on the Guidelines maybe found in Appendix VII. The full review and summary of it could be found in Second Part of Appendix VIII.

To conclude, the Guidelines is the result of excellent research and study on the management issues in the protected areas. Very knowledgeable people were involved to produce such guidelines. It contains a variety of details and advice. It should be considered as one of the most comprehensive works on tourism in protected areas yet.

Its main shortcoming is its sectoral approach. It is only a guide for management of tourism in protected areas. Therefore, it deals with management issues, only addressing a few selected sites as protected areas. It does not address all stakeholders concerns and its main addressees are park managers. It is not the result of an international consultation process. There is no recommendation or obligation for using its content and governments may use it on a voluntary basis.

## UNEP and WSSD

Another initiative of UNEP is its contribution to WSSD by providing the 'Tourism Industry Report', which was elaborated in Second Part of Appendix VII, and UNEP's contribution to the programme of **deliverables** from the paper of the chairman of the PrepCom of WSSD. In the PrepCom III, the chairman of the committee (IISD, 2002.4.8), requested United Nations organisations to identify clearly discernable targets in the context of the current negotiations and in line with his guidelines. In response to that request, UNEP prepared the action oriented

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<sup>18</sup> More information in 9.2, 9.4, 9.5, 9.6, and 9.7 of the guidelines

<sup>19</sup> More information in 4.6.1 and 4.6.2 of the guidelines

proposal for 'deliverables' which was submitted to the chairman. UNEP in the fourth part of its deliverables (UNEP Deliverables, 2002) highlighted sustainable tourism as follows:

- By 2004, expand the UNEP/WTO/UNESCO 'Tour initiative for Sustainable Tourism Development' which will help mitigate the negative environmental and social impacts of tourism in ecologically sensitive, and natural and cultural heritage areas, for example coral reefs and mountains, by assisting its members to develop and implement an environmental management system and practices.
- By 2005, launch a global awareness and information campaign, directed at final and intermediary consumers, to promote and facilitate individual behavioural changes to mitigate the environmental, social and cultural effects, arising from their individual travel behaviour, to be carried out on global, regional and destination specific levels in partnerships between UNEP, WTO/OMT and the national tourism and advertising industry.

Part seven 'Small Island Development States', of the deliverables stated;

- By 2004, finalise and test the applicability in practice of the UNEP waste Management Guidelines in SIDS.
- By 2007 enhance capacity building in SIDS through the regional seas programme on the protection of the marine environment from land based activities, protection and management of coral reefs through the International Coral Reef Action Network, eco-tourism partnerships and information tools.

The Tourism Industry Report is an initiative to encourage the tourism industry to take part in international negotiation forums such as WSSD and provide them with its input and points of view. Some major international tourism organisations such as the International Council for Cruise Lines (ICCL), the International Federation of Tour Operators (IFTO) and the International Hotels & Restaurants Association (IHRA) suggested some valuable points on how the international society could improve nature based tourism without harming the environment. They also highlighted how nature based tourism could share and respond to its responsibility to achieve sustainable development.

The deliverables that could be considered the UNEP's programme of work for 2003 actually has a limited contribution to international law making and the norm setting process on the field of NBT. It is understandable that the main mandate of deliverables is describing and presenting practical approaches of an international organisation on the implementation of Agenda 21 and plan of implementation of WSSD. It is also understandable that some UNEP initiatives such as the tour operators' initiative should be followed up by particular action such as that suggested in UNEP deliverables.

The same approach comes across in the tourism industry report conducted by WTTC, one of the most experienced and prestigious tourism private sector associations. In the conclusions of its study on the UNEP tourism industry report (UNEP EI, 2002k), the WTTC proposed a strong and co-operative partnership between government departments, national tourism authorities,

international and national trade associations, trade unions and the travel and tourism private sector to meet the future challenges and goals set for the travel and tourism industry. WTTC indicated that there is a need for all stakeholders to share responsibility to deliver the following to ensure the sustainability of the sector. It suggested to the governments to integrate environment-tourism policy into broader government policies, set up realistic capacities within sustainability frameworks, create incentives for the tourism industry backed up by effective regulation, and design policies creating incentives for corporate social responsibility in tourism. WTTC advised public-private partnerships to base their activities on Agenda 21, implement indicators and EIA, agree on common standards and tools to enable the measurement of progress towards achieving sustainable tourism development, and fund and develop contemporary research into sustainable tourism. WTTC also invited international organisations to review existing voluntary initiatives to improve the quality of reporting, encourage and support multi-stakeholder projects aiming for sustainable tourism development, and co-ordinate environmental action to be undertaken by all sectors of the travel and tourism industry, at an international level. There are some hints in the WTTC suggestions of the need for an international framework as a base to formulate nature based tourism development and activities at an international level.

**The main shortcomings** are two. First, bearing in mind that WSSD and its plan of implementation recognised the role of NBT to achieve sustainable development, the UNEP deliverables has not proposed strong initiatives and targets to benefit the new situation and contribute to the formulation of an internationally acceptable framework on sustainable NBT.

Second, Considering the fact that the UNEP industry report is a part of UNEP's contribution to the WSSD, it was a feeble attempt to put in front of such milestone summit the need to have an internationally agreeable instrument to address and monitor properly the sustainable nature based tourism.

### **The Convention on Biological Diversity and Nature Based Tourism**

In another development, the fifth conference of the parties of the **Convention on Biological Diversity (CBD)**, based on Para 8 of CSD decision 7/3, adopted the **decision V/25** on biological diversity and tourism (CSD website). The COP5 therefore accepted the invitation to participate in the international work programme on sustainable tourism development under the CSD process with regard to biological diversity and requested the Executive Secretary to prepare a proposal for the contribution on guidelines, for example by convening an international workshop (Para 2 of V/25). Decision V/25 turns the attention of relevant stakeholders, including governments and international organisations, to the need for developing clear strategies to develop sustainable ecotourism sectors, as well as develop strategies and plans, based on the ecosystem approach and aiming at a balance between economic, social, cultural and environmental concerns in accordance with Article 8(j) of the Convention. The decision recommended achieving such goals through the

sustainable use of biodiversity. It needed to implement a flexible mix of instruments, such as integrated planning, multi-stakeholder dialogue that includes indigenous peoples, zoning in land-use planning, environmental impact assessment, strategic environmental assessment, standards, industry performance-recognition programmes, recognised accreditation bodies, ecolabelling, codes of good practice, environmental management and audit systems, economic instruments, indicators and limits regarding the carrying capacity of the natural areas. It recognised the need for long-term monitoring and assessment, and the importance of tangible benefits to the local economies arising from the sustainable use of biological diversity for tourism purposes. It also acknowledges the importance of awareness-raising, information-sharing, education and training of tourism operators and capacity building, and the importance of the role of local communities on the development of sustainable tourism. More information about the background and preparatory process of V/25 and its content could be found in Fourth Part of Appendix VIII.

However, the main approach of decision V/25 as a landmark CBD decision on NBT is the ecosystem approach. It will be the dominant approach in all CBD conservation activities in relation to NBT. The **ecosystem approach** is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. Thus, the application of the ecosystem approach will help to reach a balance of the three objectives of the CBD which are conservation, sustainable use, and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. The approach is based on the application of appropriate scientific methodologies focused on levels of biological organisation, which encompass the essential structure, processes, functions and interactions among organisms and their environment. It recognises that humans, with their cultural diversity, are an integral component of many ecosystems.

According to the CBD the **ecosystem approach** comprises twelve **principles** and five operational guidance elements. The summary of which can be seen in the box below (CBD, 2001b):

- Principle 1:** The objectives of the management of land, water and living resources are a matter of societal choice.
- Principle 2:** Management should be decentralised to the lowest appropriate level.
- Principle 3:** Ecosystem managers should consider the effects of their activities on adjacent and other ecosystems.
- Principle 4:** Recognising the potential gains from management, there is usually a need to understand and manage the ecosystem in an economic context.
- Principle 5:** The Conservation of the ecosystem structure and functioning should be a priority target of the ecosystem approach in order to maintain ecosystem services.
- Principle 6:** The Ecosystem must be managed within the limits of its functioning.
- Principle 7:** The ecosystem approach should be undertaken at the appropriate spatial and temporal scales.
- Principle 8:** Recognising the varying temporal scales and lag-effects that characterise ecosystem



processes, objectives for ecosystem management should be set for the long term.

**Principle 9:** Management must recognise that change is inevitable.

**Principle 10:** The ecosystem approach should seek an appropriate balance between, and integration of, conservation and use of biological diversity.

**Principle 11:** The ecosystem approach should consider all forms of relevant information, including scientific and indigenous and local knowledge, innovations and practices.

**Principle 12:** The ecosystem approach should involve all relevant sectors of society and scientific disciplines.

**Operational Guidance 1:** Focus on the relationships and processes within ecosystem.

**Operational Guidance 2:** Enhance benefit-sharing.

**Operational Guidance 3:** Use adaptive management practices.

**Operational Guidance 4:** Carry out management actions at a scale appropriate for the issue being addressed, with decentralisation to the lowest level, as appropriate.

**Operational Guidance 5:** Ensure inter-sectoral cooperation.

#### **Principles and operational guidance of the Ecosystem approach (source CBD)**

The analysis of the principles and operational guidance elements of the ecosystem approach have led to **the implication** of the ecosystem approach in relation to tourism and biodiversity conservation and sustainable use. Therefore, the interaction of the ecosystem approach with NBT may result in valuable outcomes, which can be employed for compiling the NBT Covenant. These outcomes include;

- A broad consensus relative to the planning and management of sustainable tourism by **all stakeholders**, affected and interested groups, is the basis for future and long-term success. Setting objectives for tourism and for biodiversity is a matter of societal choices and should be decentralised to the lowest appropriate level, with involvement and participation of all stakeholders,
- Intact ecosystems and biodiversity are important in providing the **quality environments** on which tourism depends, and tourism should contribute to their conservation, restore any past damage associated with tourism, and minimise adverse effects. A balanced co-existence needs to be achieved between the use and the conservation of ecosystems, and tourism development and activities, in all areas,
- **Equitable sharing of benefits with host communities** where tourism takes place, especially indigenous and local communities, who are affected by and/or involved in tourism activities, is an important part of the management and sustainable use of ecosystems, and of making tourism sustainable,
- Local people should be empowered to be involved in the planning and management of sustainable tourism activities, through **capacity building** and by creating a **strong framework for decision-making** incorporating public participation of the broader community,

- Development should not take place without adequate **baseline research and information, and EIA** including assessment of cumulative impacts and alternative options. Conditions should be set for management to avoid or minimise anticipated impacts. Incentives for the development and operation of sustainable tourism consistent with national and local objectives for biodiversity should be established. Furthermore, the internalisation of external costs is an important element for the successful management of sustainable tourism,

- Tourism and biodiversity are both highly dynamic, and therefore regular **monitoring and use indicators** are important in adjusting management to ensure that tourism and biodiversity remain in balance, and that overall goals and objectives are reached.

Based on the interaction of the ecosystem approach and the content of sustainable NBT, and in accordance with Para 2 of decision V/25, the **workshop on sustainable tourism and biodiversity** was held in Santo Domingo. It aimed at developing technical guidelines to provide elements, such as a framework for management of tourism and biodiversity, a notification process in relation to such a management framework, public education and awareness-raising concerning tourism and biodiversity, and monitoring the implementation of and compliance with the guidelines. The main purpose of the guidelines is to assist parties to the CBD, public authorities and all stakeholders to apply the provisions of the Convention to the sustainable development and management of tourism activities.

To prepare the guidelines the secretariat of CBD provided participants with a background report to be considered by the workshop as a basis for its outcome. This report, entitled overview of tourism and biodiversity issues, and appropriate management approaches and a proposal framework for the development of guidelines for activities related to sustainable tourism development and biological diversity in vulnerable terrestrial, marine and mountain ecosystems (CBD, 2001a).

Based on the recommendation of the workshop, the draft guidelines should be submitted to the endorsement of the SBSTTA7 for onward submission to CSD10, consistent with decision V/25 of the COP5. It should also be transmitted to the COP6 for consideration and formal endorsement in April 2002. COP6 in its decision VI/14 considered the report of SBSTTA7 on the draft guidelines (CBD, 2001d) and took note of the progress made in the development of the guidelines for activities related to sustainable tourism development and biological diversity in vulnerable terrestrial, marine and mountain ecosystems. It requested the Executive Secretary to transmit the draft guidelines to the World Ecotourism Summit in Quebec City in May 2002 and to review the current draft guidelines taking into account the outcome of the World Ecotourism Summit and other related activities. The reviewed draft should transmit to SBSTTA for its consideration at a meeting prior to COP7 for its consideration (decision VI/14, paras. 2 & 3). By decision VI/14, the COP6 recognised the need for further work on the Santo Domingo guidelines and forwarded it to SBSTTA for that propose.

The content of the CBD guidelines is highlighted in the Fourth Part of Appendix VIII.

The main achievements of the Santa Domingo have been guidelines evaluated above. Although, it is an unfinished process, the approach to consider ecosystem and biodiversity concerns the NBT development in sensitive areas is a productive approach. This approach will be used in compiling the Covenant.

One of **the main shortcomings** of it is its procedural approach. The results of the workshop demonstrated the great influence of the background paper provided by the CBD secretariat. It formed the main content of the guidelines. Normally, the secretariat of the conventions provides participants with background papers as a basis for discussion to facilitate the process of negotiations. In this particular case, almost all suggestions of the CBD secretariat could be found in the draft outcome. Having in mind that the participants were selected by the secretariat, based on their expertise, few challenges were made on the draft.

As was reflected in the report of the workshop, participants were selected among government-nominated experts from 27 countries. Representatives of competent intergovernmental and non-governmental organisations, and stakeholders were invited to participate as observers (CBD, 2001c). Because of such procedures and considering the inadequate participation of major stakeholders in the process of preparation, the guidelines may not be considered as a consensus agreement or the result of an international open-ended meeting. It is more like the output of a consultancy meeting of international experts on tourism and biodiversity.

Another shortcoming is that the CBD guidelines did not offer appropriate measures on monitoring and assessment of the implementation process nor did they provide a mechanism for the provision of technical and financial assistance and necessary procedures to be taken into account by other international organisations.

The guidelines also have a sectoral approach. As its organisers believed, it is important to differentiate between those topics to be covered by international guidelines on sustainable tourism and biodiversity developed under CBD, and those topics which, while important for biodiversity conservation, are best dealt with in other forums and will therefore not be covered by the Convention guidelines. Such issues include trade in endangered species as souvenirs, which is already covered by CITES, and the impacts of transport on the global environment. The participants in Santa Domingo believed that various existing forums responsible for these and other issues related to tourism and biodiversity have the expertise to discuss these topics as well as the duty and responsibility to consider impacts on biodiversity and, where necessary, to start processes to address those impacts (CBD, 2001a). Although such an approach avoids duplication of the mandate and agenda of international organisations, at the same time, it shows the degree of coverage of the CBD guidelines even within the limits of biodiversity and tourism. As a result, the comprehensiveness of the CBD guidelines is a matter of further elaboration by relevant forums such as SBSTTA.

**To conclude**, the rule setting of international environmental organisations such as UNEP is mainly the result of the vigorous endeavours of environmentalists and academics. Such an approach provides the international community with an accurate reference text whilst the tourism industry shows little interest and public authorities provide limited support to implement it. It is probably because of the lack of their active participation in the negotiation process.

The general trend of international environmental organisations primarily focuses on sectoral regulations, such as tour operators, protected areas, voluntary initiatives, ecolabelling, and sensitive areas management, instead of tackling the whole issue of sustainable nature based tourism.

Considering that there are more than 150 environmental treaties which may regard NBT as an area of their interests, and the sectoral approaches of the main environmental organisation such as UNEP and CBD, there is a desperate need to concentrate efforts on the harmonisation and inter-linkage amongst various policymaking and norm setting bodies within the environmental pillar to achieve an environmentally harmonised approach towards sustainable NBT.

In chapter V, the latest endeavour of the international community for harmonising the environmental pillar will be studied. The result of such a study will assist us to find appropriate ways for a harmonised approach to achieve consensus on the NBT Covenant.

## **Chapter V**

### **International Environmental Governance**

The international community has focused on international environmental management in recent years. The International Environmental Governance (IEG) initiative is the result of such an experience, which intends to address the gaps and overlaps of the existing international environmental system and tries to create an effective combination of both scientific and practical approaches employing technical and diplomatic styles. Many concerns in NBT have similarities with the original concerns of the international community, which led to the IEG process. The study of the IEG process could clarify the limits and abilities of the international society to achieve a comprehensive, internationally accepted text addressing and managing sensitive economic -environmental issues such as nature based tourism.

UNEP was created in 1973 with the express purpose of playing a centralising role for the multitude of existing environmental governance institutions. Now that there are so many other institutions that have assumed environmental responsibilities within the international arena, some argue that it may be time to revisit the debate over the creation of a new centralised organisational structure.

On one side, there is the idea of establishing an overarching centralised structure in the form of a World Environment Organisation (WEO). As previously pointed out the proponents of a WEO argue that such an institution is needed in order to reduce overlap, ensure greater coherency, and create economies of scale in the current system.

On the opposite side, the proponents of decentralisation support a more streamlined version of the current system, which is comprised of autonomous and highly specialised institutional arrangements in the form of multilateral environmental agreements. They argue that the high level of flexibility and capacity for specialisation within the current system is the very strength that needs to be protected. In such circumstances, the executive director of UNEP presented an initiative on IEG to highlight the advantages of the centralisation approach while the proponents of decentralisation also presented their points of view during the IEG process. Revisiting the process of IEG is an opportunity to evaluate both the centralisation and decentralisation approaches as well as some intermediate ideas such as clustering.

The evaluation of the IEG process also makes possible a better understanding of the capacity of the international community to change the constitutional and procedural bases of international environmental management.

#### **International Environmental Governance Initiative (IEG)**

The first major intergovernmental conference on the environment was the United Nations Conference on the Human Environment, held in Stockholm in June 1972. The Conference adopted

a Declaration and Programme of Action and led to the creation of UNEP by the General Assembly with a mandate to catalyse and coordinate environmental actions within the UN system.

From the time of the Stockholm Conference, Environmental issues have increasingly appeared in the agendas of development-oriented institutions including UNDP, the World Bank, the regional multilateral development banks, and specialised agencies such as WHO, FAO, WMO, UNIDO and UNESCO as well as the UN regional commissions.

In another development, UNCED created CSD in 1992 to provide a high-level forum for discussion of environmental, developmental, social and economic issues. The Inter-Agency Committee on Sustainable Development (IACSD), a standing committee of the United Nations Administrative Committee on Coordination, has brought together the UN bodies concerned with these issues and has helped to coordinate their work. IACSD's system of designating agencies to be "task managers" for specific issues has decentralised responsibility for developing coordinated policy positions in key areas of sustainable development, especially as inputs to the Commission on Sustainable Development. The Global Environment Facility (GEF) has been established as a mechanism for financing activities to deal with some global environmental problems.

The structure of decision-making of international environmental organisations is complex. UNEP, based on GA resolution 2997 of 15 December 1972, is the UN body addressing global environmental issues. It has the responsibility for promoting international cooperation regarding the environment and recommending environmental policies and programmes to the ECOSOC. The Governing Council of UNEP reports to the General Assembly, through the Economic and Social Council. The Assembly considers and makes recommendations on selected environmental and environment-related issues, including institutional arrangements and related international processes.

As is clear, the catalytic role of UNEP affects almost all aspects of decisions of this major environmental decision-making body of the UN. In 1997, The Governing Council of UNEP adopted the Nairobi Declaration on the Role and Mandate of UNEP, emphasising that UNEP has been and should continue to be the principal UN body in the field of the environment. The Nairobi declaration also highlighted the role of UNEP is to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the UN system and that serves as an authoritative advocate for the global environment. It is concerned with the advancement of the implementation of agreed international norms and policies, the monitoring and fostering compliance with environmental principles and international agreements and stimulating cooperative action to respond to emerging environmental challenges. The Nairobi Declaration was approved by Rio+5 General Assembly sessions. Although it revitalized UNEP and was a reform step forwards, the main challenges remain, including the fact the most decisions are just recommendations.



In addition to the above-mentioned decision-making process, the CSD as the main UN international institutional body to follow up the UNCED has its peculiarities and complexity to deal with sustainable development and environmental concerns as previously evaluated. Moreover, the UN regional commissions have developed and implemented environmental programmes for the regions. UNDP mostly deals with capacity building. HABITAT deals with the issues related to urban environment and human settlements. UNCTAD examines linkages amongst trade, investment, technology, finance and sustainable development. WTO, through its committee of environment and trade, supports efforts to promote the integration of trade and environment, and the World Bank through its resources play an important role in the protection of the environment. Specialised agencies have developed and implemented programmes related to the environment in accordance with their mandates such as FAO on agriculture, forestry, fisheries, soil management and plant protection, WHO on health and the environment, UNESCO on environmental education, scientific activities, oceans and solar energy, WMO on atmosphere and climate, ILO on working environment and occupational safety, IMO on marine pollution, dumping at sea and safety in maritime transport and ICAO on environmental aspects of civil aviation.

There are several intergovernmental organisations such as WTO/OMT, OECD, European Commission and so on, addressing specific aspects of the environment at a regional or global level. Another complex issue on international environmental management is the development of Multilateral Environmental Agreements (MEAs). UNEP estimated that amongst 500 MEAs, 180 have a global capacity and mandate, and 320 are regional, of which more than 300 were formulated after 1972 (UNEP, 2001a). Most multilateral environmental agreements are legally binding instruments and have institutional arrangements such as a secretariat and budget. The non-legally binding agreements are all oceans-related or seas-related which operate through plans of action and, generally, UNEP provides them with secretariat facilities.

Although the number of agreements negotiated since 1972 is a remarkable achievement, they lack coherence with respect to a number of important new environmental law and policy issues, such as the precautionary principle and scientific uncertainty, intergenerational and intra-generational equity, the life-cycle economy, common but differentiated responsibilities, and sustainable development. In addition to the need for appropriate cooperation amongst the secretariat of MEAs, an increasing burden on parties to meet their collective obligations and responsibilities to implement MEAs has taken place.

However, the establishment of a variety of institutional mechanisms designed to address specific environmental issues, the expansion and complexity of the environmental agenda as well as the interface between the economic, social and environmental aspects of development and globalisation creates a multifaceted institutional architecture, which makes coordination a difficult task. Such concerns were reflected in the Chairman's Summary of the Bergen Informal Ministerial Meeting (Yale University website), as 'key issues highlighted by participants to the meeting'. They are as follows;

- The need for four Cs: coherence, coordination, compliance and capacity building.
- The lack of coordination between different environmental organisations/structures and MEAs.
- A weak international dispute mechanism for environmental agreements.
- The lack of financial resources for international environmental cooperation.
- No environmental counterweight to the World Trade Organisation (WTO).
- The need for implementation and compliance of multilateral environmental agreements.
- The need to increase environmental security.

The chairman of the Bergen meeting, the minister of environment for Norway, suggested;

- Support for action to strengthen global environmental institutions, building on existing institutions, and to take incremental steps towards a World Environment Organisation.
- The Environmental Management Group should be fully used to get developed and developing countries to agree on how environmental governance within the UN institutions should be improved.
- UNEP must be given broad, strong political and financial support to fulfil its mandate on the basis of common but differentiated responsibilities (reference was made to the United Nations scale of contributions).
- The need to set strategic objectives and targets for coherent governance.
- Better integration of the environment with other sectors and socio-economic policies.
- Better coordination and integration of multilateral environmental agreements.
- Streamlining the functions of convention secretariats and better coordination of Conferences of the Parties and meetings.
- More participation and input at a high political level would improve cooperation.
- Streamlining the system of reporting in order for countries to produce fewer reports. Maybe only one national report integrating all the conventions should be submitted annually.
- The use of information technology, such as videoconferencing, to facilitate participation.
- The reform of global environmental and sustainable development governance/institutions should be on the agenda for the 2002 World Summit on Sustainable Development (Yale University website).

### **The Process of International Environmental Governance (IEG)**

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 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’’. 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 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 (UNEP, 2001a)’’. 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.

The main points of strength of the existing institutional architecture, as he highlighted, are the institutional development of international environmental arrangements, legally binding instruments and non-binding international instruments, national environmental legislation, and development of international environmental law.

Based on his report and 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 (UNEP, 2001a).

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 mentioned 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; Debt-for-nature swaps, 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.

The Executive director of UNEP in his report to IEG made the following proposal on the reform of existing international environmental governance (UNEP, 2001a).

“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:

- (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” (UNEP, 2001a).

Options for strengthening international environmental governance have been put forward. They include establishing a counterpart environmental body to WTO or a new World Environment Organisation, upgrading UNEP as UN specialised agencies, re-organisation of UN and Trusteeship Council or ECOSOC and CSD, establishing a new environmental court, Co-location of UNEP.

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 (UNEP, 2001b). The analysis summary of the report may be found in Appendix VI.

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 meetings 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

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 chairperson highlighted (UNEP, 2001c) the main suggestions of the meeting. The meeting did not agree with the re-organisation of UN, changing UNEP to specialised agency, and the re-location of UNEP.

The expert meeting recommended the strengthening of the mandate of EMG, the involvement of stakeholders and UNEP in an IEG, the possibility of clustering and grouping MEAs based on clear criteria, the direct financial support from the UN regular budget to UNEP, and predictable and sustainable financing system for UNEP and MEAs.

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 (UNEP, 2001c).

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 the Conferences of the Parties with related agendas. Participants agreed that the Global minister of the 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 (UNEP, 2001f). From the November 30<sup>th</sup> to December 1<sup>st</sup> the fourth meeting of IEG was held in Montreal and led to a draft proposal (UNEP, 2001h) for further consideration at a fifth meeting of IEG on January 25<sup>th</sup> 2002. This report was amended on January 16<sup>th</sup> based on the input of the concerned parties.

The main conclusions of the three session of the IEG consultation meeting are present in the draft report of the president of UNEP GC (UNEP, 2002b). The President of the UNEP Governing Council distributed his revised proposals and invited delegates to consider them during the fourth session. The main points of the President's proposals 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;
- 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.

The outcome makes substantial progress in reaching agreement on the recommendations contained in the report of UNEP/IGM/5/2 of January 16<sup>th</sup> 2002 (UNEP, 2002b).

The chairman of the Inter-Governmental Group of Ministers (IEG) in the fifth round of the IGM/IEG meetings (UNEP, 2002a) 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.

The final meeting of 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).

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 (UNEP, 2001i). 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 the light of the outcome of the WSSD. The analysis summary of all the meetings of the Open-ended Intergovernmental Group (IGM) may be found in Appendix VI.

### **Final Report of IEG**

The final report of the 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 policymaking including the role and structure of GMEF;

Generally, it was suggested that GC/GMEF should be utilised more effectively 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,

- 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 UNEP highlighted;

- the UN General Assembly consider making available from its regular budget the amount required to cover all administrative and management costs of UNEP, recognises an urgent need to improve the financial situation of UNEP's Environment Fund, and calls on countries to contribute financially to 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:

- 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,

- suggest 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,
- suggest 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,
- request GC/GMEF to review the progress made by the COPs of MEAs in developing synergies,

The recommendations 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,
- 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,
- call upon UNEP to endeavour to implement such a plan through enhanced coordination with other bodies such as GEF and UNDP based on capacity building and training, and national-level coordination of the environmental component of sustainable development,
- call upon UNEP to cooperate with 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,
- highlight 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,
- EMG should support the implementation of a strategic partnership between UNEP and other relevant bodies, including GEF and UNDP for capacity building,
- a clearly defined reporting relationship between EMG and GC/GMEF, CSD and other forums in the UN system and senior-level participation by member institutions, transparency in operations and adequate resources to support its functioning and specific activities.

### **Main Achievements of the IEG Process**

The mandate of UNEP, re-enforced at the 1992 Rio Conference, has placed it in a unique position to provide not only policy guidance and coordination in the field of the environment, but also to promote international cooperation in this field, while taking into account development perspectives. By improving and strengthening international environmental governance the

decisions taken at GC/GMEF in February 2002 should be considered as the commencement of a longer-term enterprise to develop international understanding, commitment and resolve towards ensuring the sustainability and ultimately the survival of this planet and our civilization. There is still a long road to travel before this can be considered assured (UNEP, 2002b).

Considering the exceptional approach and vigorous work of the chairman of the IEG meeting, this part is due to elaborate how far such innovative vision can be achieved. Having in mind the main reasons of the IEG initiative and comparing those with the outcome of the process, the success of the IEG initiative will be clearer. The existing international environmental machinery is fragmented, often with vague mandates, inadequate resources and marginal political support as Klaus Topfer indicated in his report (UNEP, 2001g). Another issue is the Competition for scarce funds and political commitment amongst existing institutions which led to overlapping and unfocused demands. Lack of sufficient and effective coordination amongst MEAs is another potential source of duplication. Weak support and scattered direction have left institutions less effective than they could be, while demands on their resources continue to grow. The existence of over five hundred environment-related international agreements and institutions aimed at responding to environmental problems ranging from climate change to persistent organic pollutants and their ad hoc, diffused, and somewhat chaotic manner, raises an emerging need to establish coherency within any decentralised international governance system. Lack of such coherency can also be attributed to the complexities of the issues involved, and the inherently demanding nature of the international treaty-making process. Having, therefore, a coherent and integrated management framework is necessary.

Many multilateral environmental agreements are negotiated by specialised national ministries, or functional organisations, in forums that are often completely detached from the negotiating arena of other international agreements. More recently, the process of environmental treaty-making has been further complicated by a dramatic expansion in the number and type of actors and stakeholders demanding a role in the international decision-making process.

Deficiency on International dispute settlement mechanisms, inadequacy on implementation, coordination, compliance and enforcement at the national level, lack of environmental indicators, and lack of financial and technical resources, imply that international environmental governance has inadequate and fragmented institutional arrangements, inadequate policy coordination, inadequate mechanisms to translate the existing commitment to the action and inadequate resources.

For a new model of IEG, Topfer suggested that such a reformed model must contain the four important elements of Credibility, Authority, Adequacy of financial resources, and Participation of all actors (UNEP, 2001g).

The Minister of Environment of Norway and the Chairman of the Bergen Informal Ministerial Meeting envisaged the need for four Cs: coherence, coordination, compliance and capacity building for the success of the new international environmental governance (UNEP, 2001a).

The outcome of the IEG process demonstrates how the international community, as a whole, was able to achieve such goals and the current capacity of the international society to address the deficiency of international environmental governance. It is a valuable experience to recognise such a capacity and understand the ways and means of dealing with international concerns on due process.

To observe the rate of success of the IEG process, the **main obstacles** on this initiative should be highlighted first;

- There was little interest in strengthening the environmental pillar of sustainable development compared with the developmental or economic pillars. It is the traditional position of many foreign ministries all over the world which from time to time cede influence to environment ministries.
- Many developed countries including the US are interested in keeping the locus of political control over multilateral environmental agreements (MEAs) within the Conferences of the Parties. For them empowering the GC/GMEF may raise other commitments on compliance, enforcement, and finance and begin to interfere in areas of responsibility that currently fall to MEA COPs.
- The nature of such a gigantic issue requires more time and patience to achieve the proposed goals. In addition to that, the procedure of obtaining consensus on such divided issues has the highest priority. The IEG in its nature is revolutionary, aiming to change various structures of existing international institutions, norms and behaviours. Many governments or even international organisations need more time for even mental adjustment to these new ideas. Many participants believed in 'transparent traditional negotiation' to ensure the survival of the more radical proposals. Even in the final stage they insist on using such methods for enhancing the GC/GMEF mandate, rationalisation of the post-UNCED architecture of MEAs, and stable, predictable and adequate funding for UNEP. The introduction of a non-traditional approach to consensus building, by attempting to capture agreement on evolving 'building blocks', papers over the course of the substantive IEG meetings, was a unique approach in its kind and was not familiar to some participants. Some powerful and influential delegates preferred a "true negotiation," as one of them (US) flagged out in Cartagena. Others trusted an innovatory approach for ground-breaking changes and argued that with the chairmen's approach, the sessions succeeded in bringing delegations further than would have been possible otherwise.
- The IEG process was mostly in the hands of environment ministers. As a matter of fact many of those ministries are relatively weak within national governments, and somewhat limited in their capacity to deliver an enhanced mandate and funding for UNEP. Many of them are obligated to see GC/ GMEF as a source of leverage for themselves in domestic politics. In this case there may be misplaced expectation invested in environment ministers and ministries within the IEG process.



- The political intension of UNEP was to use the IEG process for highlighting the institutional deficiency of its organisation on the eve of WSSD, considering the experience of the Rio summit.
- The rapidness of the process was not matched with international practices in the same negotiating process, bearing in mind that IEG faced one of the most conservative and officious systems in the international community. As previously pointed out the nature of IEG is a revolutionary approach. The break between the three consecutive sessions on IEG was about one month, yet the changes and amendments in the principal suggestions were notable. This made many countries worried, particularly those who have a time-consuming system in decision-making like developing countries or the members of regional organisations like European countries. They did not react properly due to time constraints and significant changes on each paper. For such a reason most of the positions stayed rigid from one meeting to the next.
- There were organisational ambitions during the process of IEG. UNEP preferred to finalise it prior to substantive WSSD PrepComs to be able to present it to WSSD on time. The involvements of the secretariats of MEAs in the final stages of the process were not the same as the initial steps. This resulted in UNEP being isolated in the crucial final stages. The CSD was also not appropriately involved in the process. This is probably because of long-standing competition between these two on the environmental governance issue. The result was a decrease in the feeling of ownership within some international organisations and lack of proper support.
- The participation of civil society and the main stakeholders was not at an acceptable level compared to other UNEP international activities.
- Various political interests were involved in the outcome of the process. Attention should be paid to the role of the main players during the process. On one side many developing countries and China were not interested on overturning the developmental issues by an inflexible environmental regulation. Therefore, G-77/China determined to reinforce UNEP's original mandate. This position was an intense source of frustration for those supporting an empowered environmental pillar yet; it also consoled UNEP with a new authority and weight to be given to its activities and met the short-term objectives of UNEP in the IEG process. Much of this, as well as worldwide networking of high-level support for the outcome of GC/GMEF, is due to the renewed political profile brought to the job of Executive Director by Klaus Töpfer and the Bureau of UNEP. For others, notably those maintaining the rhetorical positions of the New York-based permanent representatives, there was little interest in strengthening the environmental pillar. For the United States, Japan and Australia, as mentioned before, there is little political stomach for ambitious proposals to strengthen the authority and profile of the environmental pillar by enhancing the mandate of GC/GMEF.

The **main achievements** of IEG process include;

- The need of the international community to readdress the requirement of international environmental governance.
- The need to reform the established UN system on environmental and related-environmental issues is highlighted.
- During the process of the IEG, the national position and interests of different countries and blocks were clarified. It would be an asset if further work and research provided a compromise text acceptable for all.
- The IEG process was able to put the need for restructuring UN systems on the agenda of a high level summit such as WSSD which resulted in the adoption of Para 140d of the Plan of Implementation. It states that the international community should "Fully implement the outcomes of the decision on international environmental governance adopted by the Governing Council of the United Nations Environment Programme at its seventh special session and invite the General Assembly at its fifty-seventh session to consider the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum."<sup>20</sup>

One of the lessons of the IEG process is that UNEP's programmes of activities are highly valuable and represent the strongest argument for UNEP's future development. International environmental governance provides UNEP with various opportunities to address its old and sometimes painful challenges. Most of them are achieved in the light of the approval of Para 140d of the World Summit's Plan of Implementation.

(a) **The universal membership of the Governing Council/Global Ministerial Environment Forum;** Based on the IEG report, the 57<sup>th</sup> UN General Assembly, in its consideration of the report of the seventh special session of the Governing Council/Global Ministerial Environment Forum, adopted resolution 57/251 of 20 December 2002. The resolution invited WSSD to consider the important but complex issue of establishing universal membership for the GC/GMEF of UNEP. The resolution further states that, a thorough analysis by Member States and the relevant bodies of the United Nations system was required to take further decision. It invited comments to be provided to the UN Secretariat, on the legal, political, institutional, financial and system-wide implications of establishing universal membership of the Governing Council/Global Ministerial Environment Forum of UNEP, and requested the SG to submit a report on to GA60 (UNEP, 2002n).

(b) **Strengthening the financing of UNEP on its administrative costs:** Based on Para 14 of the IEG recommendation, the resolution 57/251 of 20 December 2002 in the light of the WSSD Plan of Implementation, reiterated the need for stable, adequate and

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<sup>20</sup> The Plan of Implementation of the World Summit on Sustainable Development, chapter XI "Institutional framework for sustainable development", paragraph 140, subparagraph (d)

predictable financial resources for UNEP. It underlined the need to consider adequate reflection of all administrative and management costs of UNEP in the context of the UN regular budget. In addition, it requested the SG to keep the resource needs of UNEP and UNON under review to permit the effective delivery of the necessary services to UNEP and other United Nations organs and organisations in Nairobi (UNEP, 2002i).

(c) **Strengthening the financing for the International Environmental Fund:** Based on Para 15 of the IEG recommendation the steps towards an urgent improvement of the financial situation of the UNEP's Environment Fund are predictability of funds, efficient and effective use of available resources, focusing on UNEP priorities, and mobilisation of resources from the private sector and other major groups. Paras 16, 17, and 18 invite all member states and specialised agencies to contribute financially to UNEP including by predictable voluntary contributions. Para 19 invited the Executive Director of UNEP to introduce the indicative scale of contributions being proposed for the biennial budget. He sent a voluntary indicative scale of contributions to all member states as well as The Advisory Committee on Administrative and Budgetary Questions of the UN (ACABQ). The ACABQ on September 2002 expressed the hope that the introduction of the indicative scale of contributions would promote a wider base for voluntary contributions. The GC/GMEF, in 2004, will review the effectiveness of this system and take a necessary decision (UNEP, 2002i).

(d) **Strengthening the scientific base of UNEP** and the establishment of an intergovernmental panel on global environmental change (UNEP, 2002d) and enhancing the **engagement of civil society** organisations (UNEP, 2002f) and (UNEP, 2002g).

(e) **Improved coordination among, and effectiveness of MEAs;** the IEG report (UNEP, 2002e) pointed out the negative impact of the increasing burdens on governments' ability to participate meaningfully in the proliferating meetings and agendas of multilateral environmental agreements which it underscored as a major constraint to effective international policy-making. It is a suitable basis for UNEP to continue on-going initiatives in harmonising national reporting such as biodiversity harmonised reporting, and the implementation of joint work programmes under a Memorandum of Understanding (MOU) between different convention secretariats covering cross-cutting issues and enhancing synergies to promote cooperation, for example, training of customs officials for MEAs with trade provisions, such as the Basel Convention, CITES, and the Montreal Protocol. Another initiative is the establishment of a joint liaison group amongst CBD, the Convention to Combat Desertification, and the Convention on Climate Change. However, the UNEP guidelines on compliance with and enforcement of MEAs were adapted by GC seventh special session (UNEP, 2001i).

(f) An **intergovernmental strategic plan for technology support and capacity building;** although UNDP in general and GEF in environmental related issues remained

the main UN body on capacity building, UNEP is responsible for enhancement of capacity building, technology transfer and country-level coordination for the environmental pillar of sustainable development by the establishment of an intergovernmental strategic plan for technological support to and capacity building of developing countries.<sup>21</sup>

(g) **Enhanced coordination across the UN system and the EMG:** the importance of enhancing policy coordination across the environmental activities of the UN system is highlighted in Paras 36 and 37 of IEG recommendations. They indicated that in order to play its policy role, GC/GMEF requires an instrument at the inter-agency level, which is EMG. The efficient functioning of this group requires a clear relation with intergovernmental processes, which includes a clearly defined reporting relationship with GC/GMEF, CSD and other relevant organs (UNGA Resolution, 1999b). Following the seventh special session of GC/GMEF, steps have been taken to establish the secretariat of EMG in Geneva.

The evaluation of the process of IEG demonstrates the capacity of the international environmental pillar to address the need for a harmonised approach on the pillar to achieve sustainable development goals. NBT, as one of the new international environmental issues, need to consider such a process for its success.

Based on the study made in this section, the author recommends that any procedure for the consideration and adoption of the NBT Covenant should obtain the approval of the Governing Council/Global Ministerial Environment Forum of UNEP.

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<sup>21</sup>Paras 34 and 35 of IEG recommendation, and Para 155 of the plan of implementation of WSSD

## Chapter VI

### Conversion of International Environmental and Developmental Arrangements

The outcomes of IEG and FfD require a review of the approaches of the main policy-making bodies in the development and environment pillars of international sustainable development governance. CSD and UNEP as the major international decision-makers in developmental and environmental issues suffered from various procedural and institutional shortfalls while some of their achievements are well positioned to protect and preserve the environment and to obtain sustainable development based on Agenda 21.

#### CSD main mandates

- To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and development goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organisations, programmes and institutions of the UN system dealing with various issues of environment and development, including those related to finance;
- To consider information provided by governments;
- To review the progress in the implementation of the commitments contained in Agenda 21, including those related to the provision of financial resources and transfer of technology;
- To regularly review and monitor progress towards the United Nations target of 0.7 per cent of the gross national product of developed countries for official development assistance;
- To review on a regular basis the adequacy of funding and mechanisms;
- To receive and analyze relevant input from competent non-governmental organisations, including the scientific and the private sector, in the context of the overall implementation of Agenda 21;
- To enhance the dialogue, within the framework of the United Nations, with non-governmental organisations and the independent sector, as well as other entities outside the United Nations system;
- To consider, where appropriate, information regarding the progress made in the implementation of environmental conventions, which could be made available by the relevant conferences of parties;
- To provide appropriate recommendations to the General Assembly, through the Economic and Social Council, on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21;
- To consider, at an appropriate time, the results of the review to be conducted expeditiously by the Secretary-General of all recommendations of the 1992 Earth Summit capacity building programmes, information networks, task forces and other mechanisms to support the integration of environment and development at regional and sub-regional levels.

Some of the major challenges CSD faced are as follows:

First, its mandate. Its broad mandate makes it hard to achieve a clear focus on what CSD should accomplish. The lack of focus and the resulting non-specific nature of many of its recommendations are the result of this.

Second, the recycling of existing international decisions. This is because of overlapping mandates and the political desire of some members to raise their national political issues in the CSD again.

Third, the fact that CSD considers sectoral issues already being debated within other organisations, such as presenting an alternative forum for governments unsatisfied with the outcome, or direction, of discussions under MEAs or treaties.

Fourth, the unintentional increase of fragmentation in the discussion of substantial developmental or environmental issues. By allowing these issues to be aired in CSD, the pressure to address them elsewhere may be diminished.

Fifth, the need to have a balanced approach to environmental and developmental issues in CSD. An unbalanced focus creates some overlap in the mandates of CSD and UNEP and leads to competition between them even though their roles are different.

Sixth, CSD's inability to deliver means of implementation such as financing and the transfer of technologies as outlined in Agenda 21. It acknowledges the realities but fails to assist implementation of the concept of sustainable development. CSD, therefore, is not the distributor of international funds to implement sustainable development programmes or even funding pipeline projects related to its decisions.

Lastly is the low status of CSD within the UN hierarchy.

Furthermore, CSD was made a soft law forum, rather than a legal body that negotiates international agreements or financial commitments. While the approach of the governments to take legal action in MEAs when dealing with environmental issues would be a welcome change, it is unlikely that CSD will be granted any legal authority that could compete with other fora.

Amongst the most notable achievements of CSD are the following:

- engagement of civil society in the form of NGO's and stakeholders, as more than 1000 NGOs are accredited to the CSD,
- providing the Major Groups with the highest level of involvement compared to any other UN Commission,
- convening Multi-Stakeholder Dialogues between governments and major groups,
- legitimising the involvement of non-governmental actors at a national level in many countries,
- national reporting on the implementation of Agenda 21,
- initiating an integrated indicators programme,
- setting up an ongoing multi-stakeholder group on sustainable agriculture and rural development,
- establishing an Inter Governmental Panel on Forests and an International Forum on Forests,
- providing the General Assembly with the process of discussion on oceans,
- including tourism in the Rio process and putting it on the debates in the agenda of a UN body for the first time,
- developed an International Work Programme on Sustainable Tourism,
- including the two-year process to discuss energy as a follow up to Agenda 21,
- serving as the preparatory committee for important international conferences such as WSSD, Rio+5, SIDS summit and so on.

It is not only CSD, which suffers from various institutional and procedural deficiencies, however, UNEP as a major international environmental organisation has also experienced various challenges when trying to implement its mandate.

UNEP was established in 1973, immediately after the first major UN Conference to address environmental issues, the Stockholm Conference on the Human Environment. In retrospect, the Stockholm Conference was a turning-point in environmental policy. The main mission of UNEP was to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.

The creation of a new international agency to address the issues raised by the Stockholm Conference appeared inevitable for many reasons, not all of them directly relevant to environmental management. None of the existing major international agencies, (for example, the World Health Organisation, or the Food and Agriculture Organisation), had a mandate which clearly justified assigning it responsibility for the environment. While some may have liked the added responsibilities, none thought environmental issues important enough to make a sacrifice. At the same time, many agencies which were uninterested in taking on these issues did not want them assigned to one of the larger competing candidates.

Once it became clear that a new agency would be created, the normal response of existing agencies was to limit its ability to compete. Lacking enthusiastic supporters, UNEP's mandate was cannibalised. The principal means of achieving this goal was to provide limited funds divided between a minimal institutional budget and a modest 'fund', to assign it a 'catalytic' function, and to locate it away from the decision-making centres of the UN system.

The specialised Agencies of the United Nations system receive 'assessed' contributions, based on their approved budget and a system-wide procedure for determining how much each country must contribute. In addition, they can receive voluntary contributions for specific projects not covered by the regular budget. These funds provide a measure of discretion and flexibility since their use depends on an agreement between the donor and the agency in question rather than on the awkward regular governance procedures. They also provide 'overhead' funds which are available to the agency's management with fewer constraints than most other sources of funding. Donors also like voluntary payments because it gives them added leverage in the agency.

The agencies concerned with the UN Development System were less keen to have a new participant in a process which was difficult enough, and above all did not want a competitor for funds. This is reflected in UNEP's terms of reference which preclude it from executing projects itself and therefore UNEP is still not considered a formal part of the UN development system.

Calling UNEP's task a 'catalytic function' simply masked the fact that it was supposed to work with other agencies which would never view it as an equal. In effect, UNEP was given a difficult assignment. It was provided with inadequate staff, minimal funding, and a location far from the decision-making centres of the UN system.

UNEP's budget is composed of four elements:

- The 'Regular budget', which remains minimal and covers part of the central operating expenses;

- The Environment Fund with voluntary contributions which are subject to Governing Council appropriation; the Environment Fund has been shrinking after a few years of growth in the early 1980s.
- Trust funds which are managed by UNEP for certain institutions; there were fifty-two trust funds in operation in 1994, of which ten had been established within the previous two years.
- Counterpart contributions, which are voluntary but whose use has been stipulated by the donor; such contributions are not subject to Governing Council appropriation, provided they support the goals of UNEP and meet the organisation's priorities.

From the outset, UNEP struggled with its tough mission. Without authority to undertake projects or similar activities on its own, it was open to criticism for doing nothing, particularly since 'projects' are the currency of multilateral development. In relation to the UN development system it did not have sufficient funds to support an agenda which encompassed all the environmental problems of the planet. It could focus on a few issues, something UN agencies find very difficult since they must respond to the articulated wishes of all their sovereign member states, and be accused of disregarding many other important matters.

UNEP funding began at a modest level and then decreased in real terms until the end of the 1980s. In the first ten years of its existence, UNEP's total resources amounted to less than \$US500 million and not much more was available for the second decade. With these sums, the agency was supposed to support the efforts of its Member States, particularly developing ones, and provide a "catalytic function" (as Stockholm Declaration declared) to the entire UN system. The total UNEP budget for twenty years was of the same order of magnitude as the budget for UNDP in 1992. Partly because of these UNEP was a weak agency, nevertheless, it was the only environmental advocate within the UN system and could provide an international focus for the increasingly vocal national advocates for the environment.

By the late 1980s, however, other parts of the UN system awoke to the fact that environmental management represents one of the most important issues of international governance and that participation in environmental affairs is essential for any organisation which seeks to remain relevant to the emerging problems of the twenty-first century. Moreover, at a time when budgets for development assistance and allocations for international organisations have been shrinking, environmental issues represent one of the few significant areas of growth.

The UN development system has recognised that it was a mistake to leave environmental matters in the hands of UNEP and is seeking to recover the initiative. Criticism of UNEP is an essential element of any strategy to redistribute authority in environmental affairs within the UN system. Seen from this perspective, there was a hidden agenda at UNCED to undo the decisions of Stockholm concerning the distribution of responsibilities for environmental affairs. In other words, to take the environment back from UNEP. After Rio, UNEP's mandate remains formally unchanged. Only by showing a certain disregard for its mandate has UNEP been able to achieve anything.



The prospects for achieving sustainable development through reform of development institutions alone remain slim. The United Nations needs a strong environmental voice if it is to meet the environmental challenges of the next century. No candidate for this role is available other than UNEP which could not cover the entire environmental agenda. This agenda has grown beyond the capabilities of a single international agency.

Consequently, UNEP needs to identify a core set of activities which will permit the development of a constructive and well-defined role next to the numerous other agencies and actors which will participate in international environmental management. This core activity should be linked closely to the implementation of the numerous international environmental agreements which have evolved over the past twenty years.

Despite the aforementioned difficulties, UNEP was able to attain some significant achievements.

First, UNEP was able to convert the environment from a minor issue into global concerns. During its first decade of activities, UNEP convinced developing countries that the protection of their environment was a pathway to achieve development goals. In 1982, the UNEP Governing Council in its tenth session called to set up the World Commission on Environment and Development (WCED), which finally came up with the term sustainable development. In the Rio summit, UNEP played a significant role in developing the idea of environmental protection as one of the three pillars of sustainable development.

Second, UNEP had an advanced role in promoting the Global Environmental Agenda. UNEP has played a significant part in the transformation of the position and prominence of the environment in the agenda of the international community from the time of its establishment in 1973 till today. Its pivotal contribution in putting desertification, ozone depletion, and organic pollutants as well as climate change, biodiversity and deforestation on the global agenda was vital.

Third, the UNEP had a leading role in the advancement of international environmental law within the UN system. It has been the principal negotiation-manager for complex global regimes on ozone depletion, trade in endangered species, trade in hazardous wastes, persistent organic pollutants, and, more importantly, regional seas. It is worthy to note some UNEP-managed treaty negotiations, such as those on ozone-depleting substances or on persistent organic pollutants, have been amongst the most efficient, successful global environmental negotiations to date.

Fourth, UNEP was able to create an atmosphere of trust and legitimacy within the international community and particularly public opinion and civil society.

Fifth, UNEP is actively promoting the Global Reporting Initiative developed in partnership with leading multi-stakeholder organisations to encourage voluntary environmental reporting by companies around the world.

Finally, UNEP is a driving force to engage private sector leaders in a change of course towards sustainability, in particular through the voluntary initiatives developed in the fields of mining, telecommunications, tourism and financial services.

All problems CDS and UNEP faced had their roots in international sustainable development governance, the governance that applies the pillar approach, vertical direction, and non-crosscutting trends.

One of the post-Rio phenomena is the different and non-harmonised approaches of the three pillars of sustainable development on the implementation of Agenda 21. Many believe it is because of the nature of Agenda 21. For example, in the trade area, the main approach is a centralised, measurable and balanced one while in both the developmental and environmental pillars, despite their differences, a non-centralised approach is used. In the development pillar the approach is decentralised responsibility for developing coordinated policy positions in key areas of sustainable development as well as in the implementation levels. Implementing agencies as well as many specialised agencies in the developmental pillar take their mandate and budget from main UN decision-making bodies such as GA, ECOSOC, or CSD.

In the environmental pillar, the decision-making and procedures setting in the main UN environmental bodies are not the same as implementing bodies or special agencies in the developmental pillar. Here, the policy makers are COPs of MEAs. Therefore, in this pillar, decentralisation is the dominant approach in decision-making and implementation as well as the commonly vague mandate, unclear responsibility and immeasurable compliance.

It is notable that most attempts by the environmental pillar in recent years have been limited to minor institutional reform and are unlikely to support the ideas of their initiators. The Malmö Ministerial Declaration envisages a greatly strengthened institutional structure for international environmental governance to effectively address the complex and wide-ranging environmental threats in a globalising world. Even the facilitator of FfD recommended to the Monterey Conference on Financing for Development that the sundry organisations should be consolidated into a single Global Environment Organisation with a standing equivalent to that of WTO, IMF, and the World Bank. As a reaction to such ideas, the outcome of the IEG process was limited to UNEP and reforms are envisaged within the specific area of UNEP's institution. The style of negotiation during the IEG process shows that reform and updating functional parts of UNEP may be undesirable for some delegations. As an example, the chairman of the fifth IEG session in New York reported that many speakers supported a stronger political role and enhanced authority for UNEP GC/GMEF, while others stated that its mandate should be consistent with General Assembly resolution 53/242. Several delegations expressed the view that the membership of the GC/GMEF should remain as currently constituted, although universal participation at the Forum was strongly supported. Others felt that universal membership was worth further consideration. It was re-emphasised that the GC and GMEF were the same legal entity and should have the same mandate. A number of delegations mentioned that the GMEF should not pursue an agenda which would lead to an overlap with CSD. CSD remained the only UN forum addressing sustainable development and GMEF should retain its focus on environmental issues, not social and economic matters. Although most delegations expressed support for improving the effectiveness of the

GC/GMEF, its relationship with the CSD required further clarification. Support was expressed for the involvement of the bureaux of COPs of MEAs in meetings of GC/GMEF, but some delegations cautioned against having back-to-back meetings between MEAs and GC/GMEF. The legal autonomy of MEAs was re-emphasised and many delegations stressed that it should not be questioned. Most delegations supported increased participation of civil society and the private sector in meetings of the GC/GMEF, based on the prevailing UN rules for such participation (UNEP, 2002a).

To some extent, the concern of a number of developed countries on preventing speedy reform of the environmental pillar is understandable. Overlapping and parallel functioning, the financial impact of any new arrangements, undermining specialised characters of MEAs, side effects of formation of a new gigantic organisation, overruling developmental issues by environmental ones are some of the preoccupations of this group. Under these circumstances, the IEG process achieved sectoral progress instead of global reform on coherence between the environmental and developmental pillars of sustainable development.

For many years, international environmental regulation has taken place in international forums such as UNEP and the COPs of MEAs, which were not directly connected to the international economic organisations. One consequence has been a divergence in approaches. This constitutional problem appeared in the organisation of national governments. The constituent instruments which originally created pre-Rio UN developmental bodies and specialised agencies, particularly multilateral developmental banks, did not properly address environmental protection requirements or the need to ensure that development was environmentally sustainable. Environmental concerns have historically been addressed on the margins of international economic concerns, and it is only within the past decade or so that the relationship between environmental protection and economic development has been recognised by the international community. Lack of environmental consideration into the developmental programmes in international organisations created precedence for ignoring environmental concerns in the implementation of developmental plans. Although the UNCED process and the instruments reflect the need to integrate environment and development, the precedent of undermining environmental issues is a matter of permanent concern for many even in the post Rio era.

The international community had two options to address the insufficient coordination on environmental consideration and developmental needs. These are vertical and horizontal approaches.

The vertical approach implies the need to centralise the functions of different institutions to one institution, either through the creation of a new institution or the strengthening of an existing one. It seeks to generate top-to-bottom vertical, integration within the institution and an overarching authority either assuming the responsibilities of existing institutions or directing their coordination from above.

The horizontal approach emphasises the strengthening of an existing institution and the horizontal system-wide coordination among related institutions. It is based on the revitalisation of institutions, a clear division of their responsibilities and the avoidance of duplication of their functions (Werksman, 1996).

After careful study of international environmental and developmental improvement in the post-Rio era it seems that almost no vertical endeavours to harmonise and enhance coordination and coherency among relevant international organisation were successful for various reasons including inter sectoral incompetence, lack of sufficient budget, political interests, economic concerns, short term programming. More than what has been mentioned above, the main reason for such failure probably lies within the sustainable development theory itself and the way in which Agenda 21 was compiled.

The horizontal approach required significant reform in the mandates and functions of various UN systems such as reform of ECOSOC, CSD or UN subsidiary bodies like UNEP. Due to a variety of reasons such reforms which are also recommended by chapter 38 of Agenda 21, did not materialise.

An alternative method could be prioritising approaches to harmonise and coordinate, one by one, subjects raised by Agenda 21 among relevant international organisations. Such an approach requires the consideration of various substantial approaches including area prioritising, a supervisory body and building the capacity to coordinate, decision-making mechanisms, and budgetary systems. However, it should fulfil a range of interrelated functions including: awareness raising and agenda setting; collecting, processing and disseminating information; setting international standards and regulations; capacity building and providing financial and technical assistance; and avoiding and settling disputes. The Secretary General (SG) employs this kind of approach in presenting the agenda of work for WSSD.

It was not only that the approach of the international community caused concerns on the follow up to Agenda 21, but also that the level of priority given to sustainable development surprised people including the SG. He expressed his surprise during the Millennium Summit preparatory sessions of GA that so "little priority is accorded to these extraordinarily serious challenges for all humankind". This low priority is the source of considerable concern just less than two years before WSSD. It was not because sustainable development is misunderstood, but that they failed to implement the policy responses to address inter-linked problems in the areas of economic, environment and social development. In fact, the international conventions, treaties, institutions and mechanisms have not developed in a coordinated manner. The benefits of globalisation have not been equitably shared and the efforts to improve the situation of LDCs have stumbled. Concerns were growing about the lack of world economic growth change and on world economic slowdown. Many impoverished countries fail to benefit from the environmentally sound technology and prosperity in developed countries. To address these issues there is a need to have in mind a horizontal approach based on prioritising, offering a balanced agenda and a package of

policy proposals to establish goals relating to sustainable development that could be achieved within a preset time frame. To some extent, Kofi Annan delivered such packages to the PrepCom of WSSD when he suggested concentrating efforts on five inter-linked priority areas of sustainable development. For instance, highlighting the need for improvements in the priority areas of water, energy, health, agriculture and biodiversity (WEHAB), shows that the progress once hoped for at the end of the Earth Summit has not materialised. By this delivery, the UN system moderately recognised that although the idea of sustainable development is a reliable way out for many human challenges the feasibility of carrying out such an idea needs various pre-arrangements which are far from the capacity of developing countries. Therefore, after almost ten years after the adoption of Agenda 21, the situation in many of them remain as it was or has deteriorated further. Three main facts are on the table; the volume and number of MEAs have been increased, the sustainable development situation has made little or slow progress and the UN system was diverted to particular crosscutting areas of sustainable development. All these facts are evidence of the need for a new approach to tackle the complexity, inefficiency and weakness of the current international sustainable development governance systems. This is not a new element of the international governance system. Almost all important declarations from the Rio+5 review, the UN Millennium Declaration and the Malmö Ministerial Declaration, to recent ones such as the Monterrey Declaration or IEG outcomes, highlight the need to enhance and strengthen the present system with much needed reforms to improve coherency in decision-making as well as the implementation process.

Most of these declarations recognised in different languages the role of appropriately addressing the inter-linkages issue to improve international sustainable development governance. Years ago, in 1999, the Secretary General in his report on international institutional arrangements related to environment and development (UNGA, 1999c), highlighted the importance of inter-linkages. The 54<sup>th</sup> session of GA considered the report of SG and adapted the resolution A/RES/54/217 (UNGA Resolution, 1999b). To address the inter-linkages, the resolution proposed the establishment of an environmental management group for the purpose of enhancing inter-agency coordination in the areas of environment and human settlements. It also encourages the secretariats of the various environmental and environment-related conventions and international organisations, to strengthen cooperation with a view to facilitating progress in the implementation of those conventions at the international, regional and national levels. This was to be done by promoting more effective and coherent support from international organisations and financial institutions and mechanisms for national action aimed at the implementation of the conventions, in particular in the area of capacity building and addressing practical issues, such as more effective exchange of information, enhanced awareness raising and streamlining of national reporting.

The Environmental Management Group 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 concerned in order to address specific issues identified by the Environmental Management Group within an established time frame. Issue-management groups may include institutions from outside the United Nations. Issues selected so far have included the harmonisation of biodiversity-related reporting, the development of a system-wide approach to environmental education and training, waste management and chemicals. The Environmental Management Group has only met a few times and it is therefore too early to assess its success.

The same approach was used to synergise developmental pillar when the United Nation Development Group (UNDG) was established. The United Nations Development Programme (UNDP, Chair), United Nations Children’s Fund (UNICEF), United Nations Population Fund (UNFPA), World Food Programme (WFP), and World Health Organisation (WHO, Observer) form the executive committee of the UNDG.

With the same intention, the UN University initiated the international Eminent Persons Meeting on Inter-linkages. It convened the first Conference on Inter-Linkages in July 1999 to explore a synergistic and coordinated approach to environmental-developmental policymaking. Based on the Conference’s results, the UNU initiated a three-year programme on inter-linkages. The inter-linkages process focuses on developing a strategic approach to managing sustainable development by promoting improved cohesion among institutional, environmental and development activities. It focuses on synergies for more effective and resource-efficient assessment, negotiation, decision-making, planning and policy implementation with coordination at the national, regional and international levels. It also concentrates on coordination among institutions to minimise conflicts between environmental policies, as well as between different international regimes. The objectives of this process include: developing an understanding of the inter-linkages concept, raising awareness among stakeholders of the benefits of an inter-linkages approach, and promoting implementation of inter-linkages among related MEAs at all levels. The result of the last meeting of eminent persons on September 2001 was reported to WSSD.

The Table below shows the summary of the main priorities to be addressed on the inter-linkage of three sustainable development pillars;

**Inter-linkages of Sustainable Development Pillars**

Approaches	Objectives
- The need to develop statistic assessment techniques	- To evaluate the state of the environment and human development - To assist national planning in taking well-informed decisions relating to sustainable development
- Mechanisms to complement economic measures	- Genuine Progress Indicators - Environmental accounting techniques - Green Human Development Index - Measuring level of sustainable population
- The need to promote sustainable community development	- Fostering leaders - Financing and human and institutional capacity building

- The need to better influence decision-makers and civil society through incentive schemes	- Full cost pricing for products to better allocation of resources - Sustainable consumption patterns
- The need to modify lifestyles	-
- The need to promote the replication of successful stories at regional and international levels	-
- The need to eliminate perverse subsidies	- Remove their harmful effects to the economy and environment
- The need to address poverty eradication	- To concentrate efforts on the lessons learned since the Rio Summit and policy review discussions at the CSD and lessons learned from UNEP and UNDP - Focus on environmental consequences of poverty and the consequences of the environmental degradation on the poor - Improve the ecosystem and resources on which the poor depend - Improve ownership of essential support systems - Enhancement of international aid and mobilising domestic resources for poverty eradication
- The need to focus on the inter-linkages in policy-making relating to development and the environment	- Choosing a cautious approach to liberalisation where domestic conditions are favourable - Integration of sustainable development into local government - The impact of business should accommodate local value-systems - Addressing the environmental and poverty as one issue
- The need for procedural reform on institutional matters	- To merge the agenda of the Rio and Cairo Summits - Strengthen global institutional arrangements like upgrading the CSD and/or UNEP - holding a regular high level global summit to address crosscutting issues
- The need to maximise the effectiveness of multilateral environmental agreements	- Full integration of MEAs to the development planning process at all levels - Promote the universal membership of all MEAs - Review and develop existing arrangements based on new scientific findings and changing socio-economic and environmental conditions
- The need for clustering sustainable development related conventions	- Conventions related to biodiversity - Conventions related to oceans and seas - Conventions on fresh water, forest and lands - Conventions related to the atmosphere - Convention on chemicals and hazardous wastes

As far as this paper is concerned, these deficiencies are the result of the structural and procedural inadequacy of the international sustainable development governance system. To address such **structural inadequacy** specific proposals are put forward by the international community with the goal of making international organisations more relevant in the implementation of sustainable development objectives. As previously pointed out, some of the proposals aim to reform the structure and even the mandate of existing UN bodies such as the UN Trusteeship Council, UNEP's Global Ministerial Environment Forum, the Commission on Sustainable Development, the Economic and Social Council, and the UN General Assembly.

Based on present and previous chapters the main ideas and proposals to address the structural inadequacy of present system are shown in table below;

### **The Advantages and Obstacles of the main Proposals on Structural Reform**

<b>Solution</b>	<b>Advantages</b>	<b>Obstacles</b>
Centralisation of MEAs	Managing the implications for overlapping jurisdictions amongst MEAs Avoiding further complicity of MEAs Reduce overlap, ensure greater coherency, and create economies of scale in the current system Reduction of excessive fragmentation to appropriate level	Difficulty on convincing existing organisations to transfer their authority to a centralised agency Uninterested powerful governments The autonomy, flexibility and capacity for specialisation of existing MEAs will be undermined Reduce independency, innovativeness, and dynamism of MEAs
Clustering of MEAs	Increasing consistency of the system Enhancing the potential for synergies Protecting the unique strengths of the current system. More efficiencies, less administration, and infrastructure sharing General reduction of the burdens on delegates. Increase the possibility of common membership It has been a step-by-step process	Substantial differentiations may hinder or prevent coordination and integration Co-locating bodies don't ensure an increase in information sharing and coordinated decision-making and face serious political resistance Clustering requires political impetus Producing transaction costs Careless clustering design incurs specific risks
Reshaping the UN Trusteeship Council	Benefiting from the accountability UN Trusteeship System. Reporting both by States and by Treaty Secretariats Membership of Council open to suitably qualified individuals Intergenerational aspect implicit in trust concept Link the United Nations and civil society	Lack of political will The need to amend the UN Charter which requires onerous endeavour
Effectiveness of the functioning of the Global Ministerial Environmental Forum (GMEF)	Strengthening the normative authority of UNEP Clarifying the links between UNEP and MEAs Clarifying the role of UNEP on sustainable development agenda Providing general policy guidance to, and promoting coordination with, the other relevant organisations in the environmental field Access to relevant national authorities	It's new body and the assessment of its efficiency is difficult UN General Assembly Resolution 2997 may need to be amended as well as GMEF rules of Procedure It needs an adequate bureau and secretariat Lack of civil society interactions It reports to UNEP instead of e.g. UNGA or ECOSOC The need of clear division and linkage between the GMEF and the CSD The membership is limited to environmental ministers
Redefinition of the mandate of CSD	Involvement of civil society and major groups as well as stakeholders Benefiting from multi-stakeholder dialogues mechanism Its effectiveness on national reporting on the implementation of Agenda 21 It is close to the main decision-making machinery of UN and has access to UNESCO and UNGA Less political resistance to reform CSD It is the only UN body responsible for dealing with three pillars of sustainable development	Its achievements are less than expected and its effects limited The lack of focus on its debates and decisions Considering issues addressed by other fora Contribution to increasing fragmentation Lack of financial and access to adequate environmentally-sound technology resources Lacks the ability to oblige governments to fulfil their obligations Lack of legal authority in its decisions -
Expansion of ECOSOC role	It has broad mandate as basis for integrated and comprehensive institutional development Access to a large part of the UN system Its role as an integrator and coordinator	Limitation on political acceptance of a new role for ECOSOC The need for Charter revision and amendment The large subsidiary machinery makes it difficult for it to assume a strong coordination



	for follow-up to major UN conferences. Its relationships with UN Agencies	role.
Committee on Sustainable Development	It works as the seventh UNGA Reports directly to General Assembly Better access to other organs and committees of UN It represents all countries particularly developing countries	The need for changes in the UN Charter The idea maybe lost in its extensive agenda Assembly's resolutions are non-binding Working methods of the Assembly It is highly political which has side effects on sustainable development issues

The FfD and IEG processes made clear that the pillar approaches, such as environmental or financial and developmental approaches have limited capabilities to address the weakness of decentralisation of the UN system while preserving the advantages of it. Bearing in mind the achievements of bottom-up approaches to deal with the issue in recent years and taking into account the general approaches of WSSD to tackle the new and emerging issues arising on the implementation process of sustainable development theory and Agenda 21 and its follow ups, the international approach towards **institutional and procedural sustainable nature based tourism development** should take into account existing experiences in this field.

To do so, the latest achievement on sustainable nature based tourism at an international level should be reviewed in order to propose an adequate mechanism to address institutional, legal, and procedural aspects of it.

These include the review and analysis of WSSD outcome on sustainable tourism development, the assessment of World Summit on Ecotourism and Quebec Declaration, and the review of the WTO Global Code of Ethics for tourism. These are basic elements to lead to further achievements on sustainable nature based tourism regulation setting.

### The WSSD and Sustainable Tourism Development

Ignoring tourism as one of the largest industries worldwide was a significant shortcoming of Agenda 21 and the Rio summit. Rio+5 tried to fill this gap and for the first time address the issue at a summit level even in a very brief form. The Commission on Sustainable Development in its seventh session convened the multi-stake holders segment on tourism and adopted decision 7/3. The way that CSD deal with tourism is considered amongst the most successful work of CSD. Although the 7/3 has not been followed up adequately by other relevant organisations, it has shown the need for the international community to address procedure setting and the legal framework on which sustainable tourism development and particularly NBT are to be based. Following these endeavours, great things were expected of the out come of WSSD on this issue. Poverty and environment were amongst the priorities of WSSD to be dealt with in Johannesburg. WSSD considered sustainable tourism development amongst the issues interlinked with the protection of the environment, poverty alleviation and social concerns of the local community. The major outcome was the Plan of Implementation, which focussed on international commitment on five key issues including increasing access to clean water and proper sanitation, increasing access to energy services, improving health conditions and agriculture and to better protect the

world's biodiversity and ecosystems. The plan of implementation also addressed a range of new issues such as sustainable tourism development.

**Chapter 41 of the Plan of Implementation** refers to promoting sustainable tourism development, including non-consumptive and ecotourism, as a means to increase the benefits from tourism resources for the population in host communities while maintaining the cultural and environmental integrity of those communities and enhancing the protection of ecologically sensitive areas and the natural heritage. It also suggests that sustainable tourism development and capacity building should contribute to the strengthening of rural and local communities. Chapter 41 proposed a plan of action for sustainable tourism development based on the following approaches.

- Primary requirements for the implementation of sustainable tourism development are at all levels enhancement and;
  - Improvement of international cooperation.
  - Encouragement of foreign direct investment.
  - Promoting the principle of partnership with both private and public sectors.

These are pre-conditions for the success of any plan of action for sustainable nature based tourism.

- The need to provide technical assistance to support;
  - Sustainable tourism business development and investment.
  - Tourism awareness programmes.
  - To improve domestic tourism.
  - To stimulate entrepreneurial development.

These are the main objectives of providing capacity buildings and technical assistance to developing countries in sustainable nature based tourism.

- Providing visitors management assistance, with the support of the WTO and other relevant organisations, to local communities to;
  - Manage tourism attractions for their maximum benefit.
  - Ensure the least negative impacts on the environment.
  - Minimise risks for their traditions and culture.

These are the objectives of the participation of the local community on the management of their natural and cultural tourism assets set out by WSSD.

- the WSSD recommended the promotion of the diversification of economic activities as a mean to achieve maximum benefit to the local community from nature based tourism opportunities by;
  - The facilitation of access to markets and commercial information.
  - The participation of emerging local enterprises, especially small and medium-sized enterprises.

The most direct actions recommended by chapter 41 are laid out in section (b) to; '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’.

The chapter made references to two recent achievements at the international level to formulate the international activities towards sustainable tourism development; the Quebec Declaration and the Global Code of Ethics for tourism.

**Chapter 64** of plan of implementation of WSSD also refers to nature based tourism. This chapter calls for support of **Africa's efforts to attain sustainable tourism** that contributes to social, economic and infrastructure development through a variety of measures including;

- 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;
- Establishing and supporting national and cross-border conservation areas to promote ecosystem conservation according to the ecosystem approach, and to promote sustainable tourism;
- Respecting local traditions and cultures and promoting the use of indigenous knowledge in natural resource management and eco-tourism;
- Assisting host communities in managing their tourism projects for maximum benefit, while limiting negative impact on their traditions, culture and environment;
- Supporting 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 CBD and the CITES as well as regional biodiversity agreements.

**Chapter 52** of the plan of implementation is about the sustainable development of SIDS. As previously pointed out, nature based tourism is amongst the high priorities and potentialities of SIDS to reach sustainable development goals. This chapter **addresses SIDS’ nature based tourism** by direct or indirect measures including;

- Developing community-based initiatives on sustainable tourism by 2004, and building the capacities necessary to diversify tourism products, while protecting culture and traditions, and effectively conserving and managing natural resources. (part g)
- Accelerating national and regional implementation of the Programme of Action, with adequate financial resources, including through GEF focal areas, transfer of environmentally sound technologies and assistance for capacity building from the international community. (part a)
- the elaboration of specific initiatives, in delimiting and managing in a sustainable manner their coastal areas and exclusive economic zones and the continental shelf, (including, where appropriate, the continental shelf areas beyond 200 miles from coastal baselines), as well as

relevant regional management initiatives within the context of the United Nations Convention on the Law of the Sea and the UNEP regional seas programmes. (part c)

- Effectively reducing, preventing and controlling waste and pollution and their health-related impacts by undertaking by 2004 initiatives aimed at implementing the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities in SIDS.(part e)
- Supporting the finalization and subsequent early operationalisation, on agreed terms, of economic, social and environmental vulnerability indices and related indicators as tools for the achievement of the sustainable development of the small island developing States. (part i)

**Chapter 55** was devoted to a full and comprehensive review of the implementation of the Barbados Programme of Action in 2004, in accordance with the provisions set forth in General Assembly resolution S-22/2, and in this context requests the General Assembly at its fifty-seventh session to consider convening an international meeting for the sustainable development of SIDS.

The Plan of Implementation in **Chapter 42** addresses the **role of biodiversity** and biodiversity related issues, overall sustainable development and poverty alleviation, human well-being and the livelihood and cultural integrity of people. It highlights the need to reverse the significant reduction in the current rate of loss of biological diversity by involving the local people in the benefits 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. This will require the provision of new and additional financial and technical resources to developing countries, and includes actions at all levels to promote the ongoing work under the Convention on the sustainable use on biological diversity, including sustainable tourism, as a cross-cutting issue relevant to different ecosystems, sectors and thematic areas (Part b of chapter 52).

**Chapter 19 on energy** Calls upon Governments, as well as relevant regional and international organisations and other relevant stakeholders to integrate energy considerations, including energy efficiency, affordability and accessibility, into socio-economic programmes. Integration should occur in 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, and tourism and construction sectors. (Part b of chapter 19)

As chapter 41 recommended, for any further promotion on sustainable nature based tourism, the contents of the Quebec Declaration and the Global Code of Ethics should be taken into account.

## **Ecotourism Summit and Quebec Declaration**

**The Quebec Declaration on Ecotourism** is the result of three consecutive years of preparatory programmes with 18 preparatory meetings at the international level before and during the International Year of Ecotourism in 2002. The Declaration is the outcome of a multi-stakeholder dialogue, although it is not a negotiated document. As stated in the preamble of the Declaration, its main purpose is the formation of a preliminary agenda and a set of recommendations for the development of ecotourism activities in the context of sustainable development. The Declaration produced 49 recommendations to governments, the private sector, non-governmental organisations, community-based associations, academic and research institutions, intergovernmental organisations, international financial institutions, development assistance agencies, and indigenous and local communities as well as WSSD.

The main topics addressed by the Declaration are as follows. These topics alongside the outlines of other important international guidelines and recommendations on sustainable nature based tourism such as CSD, CBD, UNEP, and WTO/OMT will be used as the basis for the Covenant in the final Chapter.

### **1) Integration of ecotourism policy to the overall sustainable development strategy**

The Declaration recommends to governments authorities at all levels to formulate national, regional and local ecotourism policies and development strategies that are consistent with the overall objectives of sustainable development. Such vital action should be implemented during a wide consultation process with all stakeholders including all affected or involved groups and should incorporate multi-stakeholder dialogue processes into policies, guidelines and projects at all levels for the exchange of experiences between countries and sectors involved in ecotourism. It encourages the local community to 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<sup>22</sup>.

### **2) Compliance with the principles of environmental sustainability**

The national governments together with other relevant stakeholders such as the private sector and the indigenous community should guarantee to;

- Protect the nature;
- minimise negative effects on, and positively contribute to, the conservation of sensitive ecosystems and the environment in general;
- pay special attention to the protection of traditional knowledge, and genetic resources;
- assure rights to land and property, as well as rights to water;
- protect local and indigenous cultures;
- work actively with indigenous leadership and local communities to ensure that indigenous cultures and communities are depicted accurately and with respect;

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<sup>22</sup> Recommendations 1, 41, and 46 of Quebec Declaration

- ensure that staff as well as tourists are well informed regarding local and indigenous sites, customs and history<sup>23</sup>;

### **3) Conditions for ecotourism development in destinations**

The following circumstances are amongst the most pressing conditions to be observed by all stakeholders including Governments on the development of ecotourism in the destinations.

- governments should ensure that basic environmental and health standards are identified and met by all ecotourism development;
- appropriate standards should be observed on site selection, planning, design, the treatment of solid waste, sewage, and the protection of watersheds;
- ecotourism development strategies should not be undertaken by governments without investment in sustainable infrastructure and the reinforcement of local/municipal capabilities to regulate and monitor such aspects;
- establish baselines for environmental impact assessment (EIA) studies and surveys;
- incorporate sustainable transportation principles in the planning and design of access and transportation systems;
- encourage tour operators and the travelling public to make soft mobility choices;
- the design, planning, development and operation of ecotourism facilities by private sector should incorporate sustainability principles, including;
  - sensitive site design,
  - community sense of place,
  - conservation of water, energy and materials,
  - accessibility to all categories of population without discrimination;
- maintain the overall authenticity of the ecotourism product and increase the proportion of financial and other benefits of destination by;
  - private operators should invest in the training of the local workforce,
  - the use of local materials and products should be increased
  - local logistical and human resource inputs should be enhanced in private sector operations,
- ensuring the sustainability of the supply chain in ecotourism operation;
- work actively with indigenous leadership and local communities to ensure that indigenous cultures and communities are depicted accurately and with respect.<sup>24</sup>

### **4) Compliance with participatory principle**

The process of participation of all stakeholders is the fundamental approach of the Declaration. The national governments and other major stakeholders should ensure;

- The involvement, appropriate participation and necessary coordination of all the relevant public institutions at all levels and at different stages in the ecotourism process;
- The establishment of inter-ministerial working groups as appropriate;

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<sup>23</sup> Recommendations 2, 21, and 27 of Quebec Declaration

<sup>24</sup> Recommendations 13, 14, 19, 22, 25, 26, and 27

- Facilitating the participation of other stakeholders in ecotourism-related decisions;
- Conceive, develop and conduct ecotourism businesses in a way that local and indigenous communities benefit directly;
- The need to share profits with all stakeholders is a matter of ecotourism business sustainability;
- Equitable distribution of financial benefits from ecotourism revenues between all service providers particularly local ones and local communities through appropriate instruments and strategic alliances;
- Multi-stakeholder process should be the basis of policy making at all level;
- Training and capacity building to successfully enable local communities and indigenous peoples to participate equitably in ecotourism development.

### **5) Enhancement of management tools**

Various tools and their appropriate uses are addressed by the Declaration. The main tools for improving management skills in ecotourism are;

- The need of adequate budgetary mechanisms and legislative frameworks to allow implementation of the objectives and goals set up by multi-stakeholder bodies;
- Create and develop funding mechanisms by the private sector for the operation of business associations or cooperatives that can assist with ecotourism training, marketing, product development, research and financing;
- Set up monitoring mechanisms and the necessary regulation framework at all levels;
- Set up objective sustainability indicators jointly agreed with all stakeholders;
- Set up the environmental impact assessment studies to be used as a feedback mechanism;
- Implement growth management tools such as zoning and land use planning by developing local and municipal capacity;
- Define appropriate policies, management plans, and interpretation programmes for visitors;
- Earmark adequate sources of government funding for natural areas to manage visitor numbers, protect vulnerable ecosystems, and the sustainable use of sensitive habitats;
- Set up clear norms, direct and indirect management strategies, and regulations with the funds to ensure monitoring of social and environmental impacts for all ecotourism businesses;
- Ensure that ecotourism operations are practised according to the management plans 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;
- Diversify the private sector by developing a wide range of tourist activities at the destination and by extending operations to different destinations in order to spread the potential benefits of ecotourism and to avoid overcrowding in some selected ecotourism sites;
- Private operators should be urged to respect, and contribute to, established visitor impact management systems of ecotourism destinations;

- 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<sup>25</sup>.

#### **6) Regulation setting and implementation;**

The international ecotourism activities need to be more regulated to achieve sustainable development goals. The following are highlighted by the Declaration.

- The need of adequate legislative frameworks to allow implementation of the objectives and goals set up by multi-stakeholder bodies;
- Develop regulatory mechanisms for internalisation of environmental costs in all aspects of the tourism product, including international transport;
- Encouraging tour operators to adopt ecotourism principles;
- Implementation of the international principles, guidelines and codes of ethics for sustainable tourism by national governments with the assistance of relevant international organisations;
- Adoption of appropriate voluntary regulations by the private sector such as eco-labels, in order to demonstrate their adherence to sustainability principles;
- Formulate and implement company policies for sustainability by industry;
- Develop or adopt international standards and financial mechanisms by relevant international organisations for ecotourism certification systems;
- Define and implement a strategy for improving collective benefits for the community through ecotourism development<sup>26</sup>.

#### **7) Voluntary Initiatives;**

The Declaration suggests governments should;

- Develop certification schemes, eco-labels and other voluntary initiatives geared towards sustainability in ecotourism, based on existing guidelines;
- Encourage private operators to join such schemes and promote their recognition by consumers;
- Capacity building and financial support to make schemes accessible to small and medium enterprises (SMEs);
- Monitor and create a regulatory framework to support effective implementation of these schemes;
- Adopt reliable certification or other systems of voluntary regulation (recommendations 7&23).

#### **8) Small and Medium Enterprises (SMEs);**

The role of SMEs in the implementation of sustainable ecotourism development is amongst the priorities set out by the declaration. The declaration called them the core of ecotourism (rec. 8).

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<sup>25</sup> Recommendations 3, 4, 6, 9, 24, 30, 31, and 36

<sup>26</sup> Recommendations 3, 5, 12, 15, 23, 33, 38, 40, and 46



- Governments should ensure the provision of technical, financial and human resources development support to SMEs, with a view to enable them to start, grow and develop their businesses in a sustainable manner and provide them with the necessary capacity building assistance;
- Include SMEs in the overall promotional strategies and programmes carried out by the National Tourism Administration, both in the international and domestic markets;
- International organisation should adapt their financial facilities and lending conditions and procedures to suit the needs of SMEs;
- To ensure SMEs long-term economic sustainability<sup>27</sup>.

#### **9) Regional and international cooperation;**

- Governments should support the creation of regional networks and cooperation for promotion and marketing of ecotourism products at all levels;
- Relevant international organisations such as UNEP and WTO should continue and expand the international dialogue after the Summit on sustainable tourism and ecotourism issues, for example by conducting periodical reviews of ecotourism development through international and regional forums;
- WSSD should 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 and integrate the role of ecotourism.

#### **10) Public awareness**

The Declaration put enough emphasis on the role of public awareness with some new and innovative suggestions to achieve sustainable ecotourism development by;

- developing children and youth educational programmes and awareness on ecotourism and its relationship with nature conservation and sustainable use, local and indigenous cultures;
- promoting collaboration between all tourism service providers and NGO's to educate tourists and influence their behaviour at destinations;
- promoting ethical and environmentally conscious behaviour vis-à-vis the ecotourism of destinations by;
  - environmental education of visitors
  - encouraging voluntary contributions to support the local community or conservation initiatives;
  - generate awareness among all management and staff of environmental and cultural issues
  - facilitate the contribution of staff families to protection, local development, and poverty alleviation;
  - make sure that staff and tourists are well and accurately informed regarding local and indigenous sites, customs and history.<sup>28</sup>

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<sup>27</sup> Recommendations 7, 8, 10, and 43

<sup>28</sup> Recommendations 17, 18, 27, 28, and 29

### **11) Capacity building;**

To ensure that appropriate policies, development and management guidelines, and monitoring mechanisms are being applied towards sustainability, the Declaration recommends to NGO's and IOs to;

- provide technical, financial, educational, capacity building to ecotourism destinations, host community organisations, small businesses and the corresponding local authorities;
- capacity building at the regional and national level for the formulation and application of ecotourism policies and plans, based on international guidelines;
- develop the internal human resource capacity to support sustainable tourism and ecotourism;
- develop financial mechanisms for training and capacity building at destinations;
- enable local communities and indigenous peoples to participate equitably in ecotourism development<sup>29</sup>;

### **12) Research;**

The Declaration recommends NGO's to lead the research and study on ecotourism impacts and issues by;

- conducting research and monitoring on the actual impacts of ecotourism activities upon ecosystems, biodiversity, local and indigenous cultures and the socio-economic fabric of the ecotourism destinations;
- cooperate with research institutions to develop the most adequate and practical solutions to ecotourism development issues;
- the governments should invest, or support institutions that invest in research programmes on ecotourism and sustainable tourism<sup>30</sup>;

### **13) Clearing House Mechanism;**

Although it is not directly mentioned in the Declaration, recommendation 42 pointed out the need to strengthen efforts in identifying the factors leading to the success or failure of ecotourism ventures worldwide and transfer such experiences and best practices to other nations, by means of publications, field missions, training seminars and technical assistance projects.

The main shortcoming of the Quebec Declaration is the lack of properly designed follow-ups. The experiences of previous events on NBT or in general sustainable tourism repeated in Quebec. The summit was not able to benefit from the momentum created by the IYE. As a result, NBT in its year could not achieve anything more than a good declaration. The Declaration also is not the result of negotiations and therefore the obligation to implement its content is not clear. This is other important shortcoming of the Quebec Declaration.

However, the Quebec declaration should be considered as great theoretical achievements, and therefore, the Covenant will use some of the relevant language and concepts of the Declaration.

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<sup>29</sup> Recommendations 34, 39, 44, and 45

<sup>30</sup> Recommendations 17, 35, and 37

## Global Code of Ethics for Tourism

Another reference guideline of Chapter 41 of plan of action of WSSD on sustainable nature based tourism is the Global Code of Ethics for tourism (WTO/OMT website1, 2000). The Code is the result of a follow up to the 1997 WTO General Assembly resolution in Istanbul. After two years, consecutive and extensive consultation the WTO General Assembly meeting in Santiago in October 1999 approved the Code unanimously.

The Articles of the Code outline the "rules of the game" for destinations, governments, tour operators, developers, travel agents, workers and travellers themselves. As Francesco Frangialli, Secretary General of the WTO pointed out (WTO/OMT website1, 2000), the Code sets a frame of reference for the responsible and sustainable development of world tourism at the dawn of the new millennium. With international tourism forecast to nearly triple in volume over the next 20 years, such a measure is needed to help minimise the negative impacts of tourism on the environment and on cultural heritage while maximising the benefits for residents of tourism destinations.

The main content of the Code covers nine important categories of issues in sustainable tourism development and for the first time an attempt is made to address enforcement measures in its article ten.

Some of the main issues of the Code are summarised in this part of the paper.

**On the principles**, the Code highlighted the need to respect ethical values, cultural diversity and human rights (Para 1, Art. 1), the need to respect tourism lifestyles (Para 3, Art. 1), rights of vulnerable people (Para 2, Art. 2), rights of women and children (Para 2 & 3, Art. 2), sexual exploitation and punishment for perpetrators (Para 3, Art. 2), contribution and respect to tourism beliefs and faith by the industry (Para 3, Art. 6), the right of personal discovery and enjoyment of the planet's resources in an equitable way ( Para 1 Art. 7), the universal right to tourism (Para 2, Art. 7), the right to rest and leisure (Para 2, Art. 7), the right of equitable access to tourism sites (Para1, Art 8), the right to have access to communication and administrative facilities (Para 2, Art. 8), the right of personal data confidentiality (Para 3, Art. 8), the guarantee of the fundamental rights of workers in the tourism industry (Para 1, Art. 9), participatory principle and equitable benefit sharing (Para 6 Art. 9).

**On local community**, the Code highlighted the need to respect and observe indigenous and local community culture (Para 1, Art.1), harmony between tourism activity and the traditions of the destination (Para 2, Art 1), prohibition of participation of tourists in criminal acts (Para 5, Art. 1), the right and obligation of the local community on their cultural heritage (Para 1, Art. 4), equitable benefit sharing of tourism for the local community (Para 1, Art. 5), priority for local people in employment (Para 2, Art. 5).

**On capacity building** the Code indicates the need of training locals to be hospitable (Para 3, Art. 1), usage of tourism as a mean of self-education learning on cultural diversity (Para 1, Art. 2), and the right and duty of workers to acquire training (Para 2, Art. 9).

**On the safety and security** of tourists the Code underlines this in Paras 4 and 6 of Article one. It is also pointed out that violators to tourists and tourism facilities should be punished (Para 4, Art. 1). It is the responsibility of the tourism industry to address the safety and security of tourists, accident prevention, health protection and food safety (Para 2, Art.6), insurance coverage of the safety and security of tourists by the industry (Para 2, Art. 6), the right to compensate tourists in the case of a unilateral breach of contract (Para 1, Art.6), reparation to tourists in the event of bankruptcy (Para4, Art. 6), and government early warning advisory duties on insecure destinations and its conditions (Para 4 Art.6).

**On the protection of environment** the Code suggests safeguarding the natural environment (Para 1, Art. 3), avoiding damage to nature (Para 5, Art.1), save precious resources such as water and energy (Para 2, Art.3), and avoiding waste production (Para 2, Art.3).

**On public awareness** the code identifies various tools including putting tourism values in education curricula (Para 5, Art 2), the need to keep tourists informed about the character of the destination (Para 6, Art.1), the obligation of the tourism industry to provide honest information on destinations to consumers (Para 1, Art. 6), the responsibility of press to provide reliable information to tourists (Para 6, Art. 6), the use of electronic commerce in tourism (Para 6, Art. 6), and the prohibition of promoting sex tourism by press and the internet (Para 6 Art. 6).

The Code contains various sections emphasising two important and interrelated issues such as tourism planning and sustainability measures.

**On tourism planning** the Code highlighted that tourism planning is a privileged means of individual and collective fulfilment (Para1, Art. 2), tourism planning should consider the protection of the natural heritage and its components such as aesthetic, ecosystem and biodiversity values (Para 4, Art.3), and respect cultural heritages (Para 5, Art3), visitors contribute to maintenance of the sites (Para 3, Art. 4), flourishing traditional and cultural products and handicrafts by suitable tourism planning (Para 4, Art. 4), implementing EIA by stakeholders and tourism industry and publicizing the results (Para 4 Art. 5), access to convertible currencies (Para 5, Art. 8), and facilitate free access of SMEs to sector development (Para 3, Art. 9).

**On the sustainability measures** in tourism the Code underlines the need of distribution of the holiday calendars as a means to reduce pressure on the tourism sector (Para 3 Art.3), to address tourism flows and mass tourism (Para 3, Art. 3), to pay attention to tourism activity in sensitive areas such as coasts and mountains (Para 3, Art. 5), the carrying capacity of the destination (Para 5, Art. 3), ensure tourist activity is in harmony with archaeological and cultural heritage (Para 2, Art. 4), protection and sustainable use of cultural heritage (Para 2, Art. 4), border crossing procedures such as visas should facilitate maximum freedom of travelling (Para 4, Art. 8), workers should benefit from social protection and welfare as well as job security (Para2, Art 9), facilitate

exchange of experiences offered to workers (Para 4, Art. 9), the duties of multi-national enterprises in destination (Para 5 Art.9), the obligation of stakeholders to implement the Code (Para 1, Art 10), the recognition of the role of IOs and NGOs in sustainable tourism development by stakeholders and their compliance with principles of international law (Para 2, Art. 10), and the role of the world committee on tourism ethics on dispute resolution (Para 3, Art. 10).

The Code also focuses of some **sustainable forms of tourism** including the most beneficial form of tourism (Para 4 Art. 2), nature tourism as a means of enriching tourism activities (Para 5, Art. 3), development of social tourism (Para 3, Art 7), and means to facilitate senior citizen, disabled, student and youth tourism (Para 4, Art 7).

The focus of the Code is managing the tourists' behaviour and addressing tourism aspect of the industry. Therefore, its main shortcoming is environmental considerations. The rights and obligations of tourism industry are not properly developed. There is a need to address the responsible activities of the industry in the Draft Covenant.

### **The Need to Have an Integrated Internationally Accepted Covenant to Govern Nature Based Tourism**

As discussed in previous chapters, despite various attempts made by international environmental and developmental organisations and relevant specialised agencies to propose an adequate framework to deal with the new phenomena of nature-based tourism, the lack of an internationally accepted comprehensive, integrated, legally binding agreement based on existing international law and practice is obvious. Such an instrument could fill the gap and properly address one of the outstanding areas of the new convergence of environmental and developmental pillars of sustainable development in the area of sustainable use of natural resources and biodiversity.

The Ecotourism summit in Quebec was an opportunity for many participants to raise the need to address adequately the lack of an institutional framework for the development of ecotourism, the need for all stakeholders' cooperation, particularly public-private sector, to establishing policies, strategies and regulations relative to sustainable tourism development, and the need to deal with the lack of sufficient regional and international cooperation on ecotourism issues. This cooperation is especially essential in border sensitive areas. The need to develop umbrella mechanisms that allow governmental bodies to work successfully together in order to create the balance necessary for the development of ecotourism was also stressed. In general, it was recognised that a variety of regulations need to be developed such as codes of conduct, guidelines and so on, together with legal regulations that help reduce negative impacts. These issues are reflected in the UNEP/WTO summary of the regional discussion on the regulation of ecotourism, and the institutional responsibility and framework presented in the summit. Some of the most relevant recommendations of the same summary on the regulation of ecotourism are as follows;

- Move gradually from optional guidelines and simple codes of conduct, into obligatory regulations.
- Legal regulations may be necessary to help reduce the negative impacts of ecotourism.
- Governments should provide leadership, coordinate planning and set the legislative and regulatory framework needed for successful ecotourism.
- Establishment of suitable legal frameworks underpinned by effective tools for controlling and monitoring ecotourism activities, along with other instruments, such as certification and accreditation, which contribute to improving the quality of ecotourism products.
- Consult with all stakeholders involved on the matter of regulating ecotourism.
- Development of International, Regional and National Policies in order to address issues affecting the development of ecotourism. They should include guidelines, codes of conduct and best practices that define ecotourism.

The challenge, therefore, is to move from the existing ad hoc approaches, to an instrument that can integrate the current social, economic and environmental programmes, funds and initiatives, and evolve new patterns of managing nature-based tourism in a more systematic and dynamic way. On the other hand, as UNEP highlighted in its Tourism Industry report to WSSD, the existing situation has indirectly led to a deficiency in accountability by both the private and public sectors. Considering the sensitivity of the environment and local communities within which nature-based tourism is operating, this lack of responsibility towards nature-based tourism is leading to an eventual environmental, economic and cultural crisis. To avoid such a crisis all stakeholders including, the public and private sectors, NGO's, trade unions and consumers need to begin to work together to make nature-based tourism well framed to balance economic, social and environmental factors. This initiative is needed to ensure effective, active participation by all stakeholders in creating such an instrument.

The main arguments behind the need for such an instrument are:

- to provide the legal framework to support the integration of the various aspects of sustainable use of natural resources and biodiversity related to nature based tourism,
- to propose an agreed single set of basic principles which may guide States, the tourism industry, local communities, intergovernmental organisations, civil society and individual tourists,
- to assist the consolidation of various sartorial approaches and codes into a single legal framework,
- to facilitate institutional and other linkages between existing internationally accepted codes of conduct and related international organizations,
- to fill in gaps in international law, by placing principles on nature based tourism in a global context,
- and to draft a universal basis for nature based tourism upon which future lawmaking efforts might be developed.

The content of many recent international negotiations and guidelines on NBT identify the need for sustainable nature based tourism governance to address the sectoral, thematic, or regional institutional and regulatory needs.

The rapid global expansion of NBT and the need to regulate norms and formulate institutions on the basis of an unified and integrated approach at the international level are evidence of the requirement for a comprehensive legally binding framework to govern the international behaviour on such tourism. Such a tool could serve as a reference and coordinating body for national and regional regulation setting and institutional arrangements as well as international and regional coordinating approaches towards maximising nature based tourism benefits while minimising socio-cultural, economical and environmental impacts. Only by such an instrument can the objectives of sustainable tourism development set out in the plan of implementation of WSSD be achievable.

Based on the data and analysis here, the international covenant on sustainable nature based tourism will provide an international framework for sustainable use of natural resources related to nature based tourism by all relevant stakeholders to deliver:

- (a) Conservation of ecosystem structure and functioning;
- (b) Sustainable tourism in ecosystems conserving their structure and functioning;
- (c) Fair and equitable sharing of benefits;
- (d) Information sharing and dissemination of best practices and experiences
- (e) Restoration of past damage.
- (f) Technical assistance and Capacity building
- (g) Enhancement of global and regional coordination
- (h) Governing international behaviour and approach on nature based tourism
- (i) Fair distribution of international funds available on the issue
- (g) Priority setting for state members;

### **Covenant Requirements**

The proposed covenant should build on principles and concepts that have already been developed through international environmental law and international practice processes. It should also focus on practical guidance to facilitate its implementation, and linkages between sustainable economical developments and the protection and conservation of environmental and cultural heritage by sustainable nature based tourism.

In developing the Covenant, following information resources should be employed:

- (a) The Principles of international environmental law and the approaches of the international community to formulate sustainable development agreements in various but similar international instruments,

- (b) The roles set out by international organisations in relation to sustainable tourism development such as CSD and CBD,
- (c) The relevant roles and codes set out by international organisations responsible for sustainable tourism development such as UNEP and WTO/OMT,
- (d) The guidelines and experiences of international intergovernmental and NGO's regarding NBT such as IUCN,
- (e) The experiences of regional organisations such as the EU,
- (f) Careful attention to ecosystem approach on the management of ecosystems and biodiversity,
- (g) Information from specific stakeholders such as governments, ecosystem managers, the tourism industry, community-based organisations, NGO's on addressing sustainable NBT laid out in this thesis,

It is obvious that all the above resources have different but complementary approaches which should be integrated in the process of a presentation of the Draft Covenant. It is necessary to address their gaps and shortcomings in formulating the covenant on sustainable nature based tourism.

Finally yet importantly, some points should be born in mind when drafting the Covenant. These are mostly lessons learned from the processes studied in this thesis, in particular, FfD and IEG.

First, almost all the international tourism negotiations in the developmental part of UN have their roots in developing countries initiatives such as SIDS or LDCs. The developed countries are disinterested in this issue for the following reasons;

- The EU and North America are benefiting from an advance national capacity in the field of nature based tourism.
- Both areas are enjoying strong regional coordination and institutional cooperation in environmental and developmental issues including tourism and tourism related issues.
- They have the benefit of access to adequate financial and technical superiority compared to developing states to fulfil the needs of a benefiting sector such as tourism.
- The international organisations dealing with the sector are not capable of addressing Northern tourism requirements.
- The private sector in the tourism industry is more decisive and effective than the governments and they observed a few indications regarding their interests in the international developmental forums to encourage them to participate actively.
- The present circumstances are not against the ideas and expectations of civil society in these areas and tourism performance is not confronted by public opinion and therefore the need to achieve a better standard and quality is not a crucial feeling.

Any new initiative should consider, therefore, the active participation of the developed countries in the fulfilment of the sectoral requirements of above-mentioned characters.

Second, from an institutional point of view, one of the key issues to establish and maintain coherency within sustainable nature based tourism governance lies in the relationships between



the institutions of different regimes, including, environment, trade and services, health, and peace and stability. The development of strong and clear complementarities and compatibilities between different international regimes and bodies of international law will both help to create, and reflect, a balance between the three pillars (economic, social, and environmental) of sustainable development.

Third, the proposed text did not consider the particular interest of any sector. The intention of the draft covenant is not to address all aspects of the various interests of stakeholders. In a vast industry such as tourism, it is almost impossible to achieve it without a tangible negotiation process. The main objective of the draft is to propose a framework and basis for negotiation.

Fourth, the organisation responsible for arranging further meetings should be represent governments, industry, local communities, scientists, NGO's, and UN. It should be mandated by CSD and GC/GMEF, supported by UNEP, CSD, UNESCO, and ILO and with the great involvement of WTO/OMT and IUCN.

Fifth, the procedures to attain final conclusions should take into account the following steps;

- Approval of CSD on the agenda of work towards a NBT Covenant, appointment of a responsible organisation such as IUCN to present the draft, convene the meetings, and support it by financial means.
- The decision of CSD should be second by GC/GMEF of UNEP.
- Convening major groups and relevant stakeholders meeting to obtain every group reaction and input to the draft covenant.
- Consider the ideas and opinions raised in the preparatory process and submit an amended draft.
- Organise final rounds of negotiation.

The following Chapters contain two approaches. Chapter VII includes a brief review and commentary of 47 recognized international principles, which explains and provides the legal basis for many of the provisions of the Draft Covenant. The comprehensive review of these principles consisting of a thematic area, back-grounds, existing proposals, and a final proposal can be found in Appendix II of the Appendices.

Chapter VIII is the text of the draft international covenant on nature-based tourism. The Draft Covenant contains a Preamble and 53 Articles arranged topically in ten Parts.

## **Chapter VII**

### **Drafting the Covenant**

To compile a covenant on NBT, the relevant principles of international environmental law, principles of international law relevant to developmental issues and tourism should be carefully examined.

Sands (1995) believes that the general principles and rules of international environmental law reflected in the treaties, binding acts of international organisations, and state practices are potentially applicable to all members of the international community across the range of their activities in respect of the protection of all aspects of the environment. Most general rules and principles have broad support and are frequently endorsed in practice. These are: that the state has sovereignty over its natural resources and the responsibility not to cause damage to the environment of other states; the principles of preventive action and good neighbourliness and international cooperation; the precautionary principle; the polluter pays principle; the principles of common but differentiated responsibility and human rights; and the principle of sustainable development comprised of inter-generation, intra-generation, integration of environment and development and the sustainable use of natural resources.

Boyles and Birnie (2002) believe that sustainable development, as reflected in the outcomes of the Rio Summit, contains both substantive and procedural elements. The substantive ones are mainly the sustainable use of natural resources, the integration of environmental protection into the economic development, the right to development, intra- and inter- generation equality, and polluter pays principle. These are reflected in Principles 3 to 8 and 16 of the Rio Declaration. The procedural ones include public participation in decision-making, EIAs, and access to information. These are reflected in Principles 10 and 17 of the Rio Declaration.

The following principles are set out in the 1992 Rio Declaration and the 1972 Stockholm Declaration and are relevant to the proposed Nature Based Tourism Covenant; the principle of preventive action (Principles 11 and 14 of the Rio Declaration and 6, 7, 15, 18, and 24 of the Stockholm Declaration), the principle of good neighbourliness and mutual cooperation (Principles 19 and 27 of the Rio Declaration and 24 of the Stockholm Declaration), the principle of inter-generation and intra-generation equality (Principles 3 of the Rio Declaration and 1 of the Stockholm Declaration), the principle of common but differentiated responsibility (Principles 7 of the Rio Declaration and 23 of the Stockholm Declaration), the principle of integration of development and environment (Principles 4 of the Rio Declaration and 13 and 14 of the Stockholm Declaration), the precautionary principle (Principle 15 of the Rio Declaration), the principle of human rights (Principles 1, 3, and 10 of the Rio Declaration and 1 of the Stockholm Declaration), the principle of the right to development (Principle 3 of the Rio Declaration), the principle of poverty alleviation and equitable benefit sharing (Principles 5, 8, and 12 of the Rio

Declaration), the principle of carrying capacity (Principle 9 of the Rio Declaration), the participatory principle (Principles 10, 20, 21, and 22 of the Rio Declaration), the principle of sustainable production and consumption patterns (Principle 8 of the Rio Declaration), the principle of environmental impact assessment (Principle 17 of the Rio Declaration), and the principle of the use of environmentally sound technology (Principles 7 and 9 of the Rio Declaration).

The IUCN Draft Covenant on Environment and development is an example of the recent endeavours of the international community to harmonise environmental and developmental issues. It is not a negotiating text although it is the result of the work of international experts and academics based on international environmental law and other relevant international law. The main principles used by the 2000 IUCN Draft Covenant on Environment and Development include the principle of sovereignty over natural resources (Articles 11.1, 11.2, and 15.1), the principle of preventive action (Articles 6, 12.2 and 23), the principle of inter-generation and intra-generation equality (Article 5), the principle of common but differentiated responsibility (Article 3), the principle of integration of development and the environment (Article 5), the precautionary principle (Article 7), the principle of human rights (Article 12.1), the principle of the right to development (Article 8), polluter pays principle (Article 11.6), the principle of poverty alleviation and equitable benefit sharing (Articles 9 and 13.1), the principle of sustainable use of natural resources (Articles 1.3, 12.6, 17, 18, 19, and 34), the principle of conservation and the sustainable use of biodiversity (Articles 2, 21.1, 21. 2, and 30.2), the principle of careful activity in sensitive and protected areas (Articles 20.1, 20.2 and 52 bis), the principle of waste disposal and waste management (Articles 14, 15.2, 24, and 25), the principles of spatial planning and the aesthetic value of nature (Articles 21.1, 22, and 34), the principle of integrated sustainable nature based tourism planning (Article 13.2), the principle of the need for suitable indicators and standards (Article 38), and the principle of environmental awareness and education (Articles 12.3, and 44).

The basic legal arguments used by the relevant international conferences, meetings, and workshops relevant to nature based tourism on drafting or setting out final outcomes, agreements, codes of conduct or guidelines should also be taken into consideration.

Some of the well established principles used to compile tourism's international legal instruments are; the principle of the right to rest and leisure, and the principles of tourism safety and of equal access and non-discrimination in the Tourism Bill of Rights and the Tourist Code, the principles of common natural heritage and of the preservation of cultural identity in the 1972 WHC, the principle of cultural heritage and landscape and the principle of spatial planning in the 2000 European Landscape Convention. The principles of integrated sustainable nature based tourism planning, destination management, committed tourism industry, carrying capacity, and tourist safety are all included in the 1999 Global Code of Ethics. While the 1992 CBD sets out the principles of obligatory restoration of disturbed ecosystems, incentive measures and voluntary initiatives, the development of suitable indicators, and the restrained development of fragile ecosystems.

The main principles used by the CSD7 in its decision 7/3 and the UNEP in the Draft Principles for sustainable tourism are elaborated in Chapters III and IV and in First and Second Parts of Appendix VIII.

The purpose of this thesis, based on the previous chapters; analyses on international endeavours and experiences is to complete the legal framework to address various international environmental and developmental issues. Forty-seven principles are carefully chosen as the basis for drafting the proposed NBT covenant.

More details, particularly on the background and existing proposals, as well as the author's proposals on each of these principles can be found in Appendix II.

The background part of Appendix II is to present the approved and accepted language of the principles at international level. The existing proposals introduce the language which is used by international forums on the principle under discussion, but it is not as yet approved by consensus and is not yet the legal basis for action or obligatory instrument at international level. The final proposal is the idea of the author based on the review and analysis in the previous chapters and on the background and the existing proposals regarding principles as well as on his own experience. These elements will be merged into the relevant parts and articles of the Draft Covenant on NBT in the next chapter.

The outcome of the analyses and the evaluation of the effects of selected principles on the NBT will shape the draft covenant on NBT. The covenant is based on the rights and obligations of each major stakeholder in NBT and provides a variety of facilities for the member states while regulating and harmonising their activities regarding the protection and sustainable use of resources related to NBT. In addition, it will provide appropriate mechanisms for the participation of all stakeholders and the distribution of benefits in an equitable and sustainable manner.

The following model is tailored by the author to cover as much as possible all the aspects of NBT including new and emerging issues, to give a comprehensive approach towards an all-inclusive covenant.

**Draft Covenant Format**

	References
<b>Preamble</b>	Legal Basis and Background
	Previous Experiences
<b>Part I</b>	Art. I Objectives
	Art. II Definition
	Art. III Establishing the NBTA

<b>Part II</b> <b>General Principles</b>	Art. IV General Principle
	Art. V Environmental Principle
	Art. VI Social and Developmental Principles
	Art. VII NBT Principles
<b>Part III</b> <b>General Obligation</b>	Art. VIII State Obligations
	Art. IX Multi-stake holders' Involvement
	Art. X Tourism Industry: Rights and Obligations
	Art. XI Local Community Matters
<b>Part IV</b> <b>Obligation Regarding</b> <b>NBT Objectives</b>	Art. XII Environmental Contributions
	Art. XIII Safeguarding Culture
	Art. XIV Harm Prevention
	Art. XV Waste Management
	Art. XVI Marine Pollution
<b>Part V</b> <b>Global Obligations</b>	Art. XVII Poverty Eradication
	Art. XVIII Consumption and Production Patterns
	Art. XIX Economic Activities
<b>Part VI</b> <b>Policy and Planning</b>	Art. XX Integrated Policy Approaches
	Art. XXI Development Policy
	Art. XXII Environmental Policy
	Art. XXIII NBT Policy
	Art. XXIV Environmental Impact Assessments (EIAs)
<b>Part VII</b> <b>Policy Regarding</b> <b>Implementation and</b> <b>Coordination</b>	Art. XXV Monitoring and Reporting
	Art. XXVI Carrying Capacity
	Art. XXVII Environmental Standards and Control
	Art. XXVIII Incentive Measures
	Art. XXIX NBT Award
	Art. XXX Scientific and Technical Cooperation (CHM)
	Art. XXXI Environmentally Sound Technology (ESTs)
	Art. XXXII Public Awareness
	Art. XXXIII Tourism Safety
	Art. XXXIV Research
	Art. XXXV Capacity Building
	Art. XXXVI Financial Resources

	Art. XXXVII Regional Coordination
	Art XXXVIII International Cooperation
	Art. XXXIX State Responsibilities
<b>Part VIII</b>	Art. XL Restoration and Compensation
<b>Responsibility and</b>	Art. XLI Harm in Beyond Jurisdiction
<b>Liability</b>	Art. XLII Person Responsibility
	Art. XLV Compliance Measures
<b>Compliance</b>	Art. XLVI Dispute Settlements
	Art. XLVII Conference of the Parties
	Art. XLVIII Amendments
	Art. XLIX Ratification
<b>Part X</b>	Art. L Signature and Accession
<b>Others</b>	Art. LI Entry into the Force
	Art. LII Withdrawals
	Art. LIII Depository

The principles selected below for further elaboration make significant contributions to the compiling of the Draft Covenant on NBT. The main purpose of each principle, its area of effectiveness and its limitation within international law, are briefly discussed. A summary outline of their inputs to the covenant is also given. More information on each principle may be found in Appendix II.

### **Main Principles used in the Draft Covenant**

**1) 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:** this principle is used by the UNGA Resolutions and the Stockholm and Rio Declarations to express the sovereign rights of states over their natural resources, and their responsibility not to cause environmental damage.

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 (Sands, 1995).

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 the ICJ in the Pacific Ocean Atmospheric Nuclear Tests (Sands, 1995).

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.

The main input of this principle to the Covenant relates to the rights and obligations of the states and their sovereignty over their natural resources and its relationship to NBT.

Based on this principle, the sovereignty right of each party and its obligation for the protection of natural and cultural inheritance and particularly NBT resources should be recognised (Art. 4 of the Covenant). Each state has a responsibility for the identification, protection, and conservation of areas with characteristics particular for nature based tourism (Nature Based Tourism Area), and the prevention of harm within and beyond their national jurisdiction as well as avoiding any deliberate harm to it (Art. 5 and 8). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle I of Appendix II.

**2) The principle of preventive action:** this principle requires prohibition of activities which do or may cause damage to the environment in violation of the standards established under the rules of environmental law. By this principle, states should seek to minimise environmental damage in the early stages and prevent damage to the environment within their own jurisdictions.

At present, the application of the principle of preventative action is constrained: firstly by the lack of progress in 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; secondly, by 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. For these reasons, limits are placed on the widespread application of preventive action.

The main input of this principle to the Covenant includes the observation of preventive measures in the NBT policies and planning (Art. 23 of the Covenant), and the responsibility of each state for harming the environment by ignoring the prevention obligations (Art. 23 and 39). It could also contribute to the identification of the objectives of the covenant (Art. 1). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle II of Appendix II.

**3) The principle of good neighbourliness and mutual cooperation:** this principle as 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 the good faith of states over territorial integrity and the sovereignty rights of other members of international society.

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

This principle was argued during court hearings between Hungary and Czechoslovakia in 1992 in the dispute over the Gabčíkovo 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 (Sand, 1995, pp 351-4). This principle plays an important role in the protection and sustainable use of shared or transboundary NBTA.

The main input of this principle to the Covenant includes preparing the ground for regional cooperation and avoiding unproductive competition as well as developing jointly for packaged options and other joint initiatives. It could also provide various mechanisms on sustainable use of shared NBTA (Art. 23). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle III of Appendix II.

**4) The principle of inter-generation equality:** this principle applies to the need of natural resource conservation for the benefit of future generations.

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

However, the content of this principle assists the sustainable use of NBTA and seeks more definitely to preserve it for the next generation. Such a concept is the main contribution of this principle to the Covenant (Art. 7). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle IV of Appendix II.

**5) The principle of intra-generation and the equitable use of natural resources:** the principle of equitable use of natural resources implies that use by one state must take into account the needs of other states. It also applies to the allocation of shared natural resources, including marine and terrestrial resources (such as fresh water), equitable participation of states in environmental organisations, and equitable distribution of the benefits of development.

In many respects the UNCED and the Rio Declaration as well as Agenda 21 are about equity. However, the lack of detailed international rules on equality could lead to a flexible understanding of this principle. Therefore, each international specialised instrument including the Draft Covenant of NBT, should take into 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 the UNCED and other relevant international instruments.



The contribution of this principle to the Covenant is based on the equitable and sustainable benefit sharing of the NBT activities in the shared or national NBTA (Art. 37). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle V of the Appendix II.

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

The principle of common but differentiated responsibility includes two elements: The common responsibility of states for the protection of the environment at national and global levels, and the taking into account of differing circumstances in relation to each state's contribution to the creation of particular environmental problems and its 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 treaties and by custom of states. The principle 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).

The main contribution of this principle to the Covenant is to clarify and facilitate the role of all major stakeholders to the management and decision making process (Art. 5). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle VI of Appendix II.

**7) The principle of integration of development and environment:** this principle implies the need to ensure that environmental considerations are integrated into economic and other developmental needs and tools.

The main issue here is the overlap between the integration principle and the principle of rights to development. The need to carefully balance these two important but sometimes conflicting principles of international law is a 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.

Based on the above discussion, the main contribution of this principle to the Covenant is to balance NBT development and other social, environmental and economic concerns by their integration into sectoral and cross-sectoral plans and policies (Art 20). It could also contribute to the content of NBT development plans and make environmental and developmental issues in the area of NBT mutually supportive (Art. 6). More information on the background and existing

proposals and the author's proposals regarding this principle may be found in Principle VII of Appendix II.

**8) The precautionary principle:** the precautionary principle provides guidelines for the development and application of international environmental law where there is scientific uncertainty.

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 will also require international regulatory action where the scientific evidence suggests that lack of action may result in serious or irreversible harm to the environment.

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. However, others argue that the principle has the potential for overregulation and limiting human activity, even though the threshold is varied within environmental agreements.

Birnie and Boyle (2002) 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.

Freestone (1991) asked whether it is 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? (Freestone, 1991)

Cameron (1994) 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, the UNCED was the crystallizing moment in the development of the principle from one that was emerging as to one that is legally binding" (Cameron, 1994).

The main contribution of this principle to the Covenant is the introduction of appropriate measures based on the precautionary principle to prevent or rectify harm of NBT to biological diversity and nature and provide relations between precaution and EIAs (Art. 24). The general approach on NBT development should be based on this principle as a mechanism for a balance of approach (Art. 22). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle VIII of Appendix II.

**9) The polluter-pays principle:** this principle contains the requirement that the costs of pollution and consequential damage costs should be borne by the person or state responsible for causing the pollution.

Some states, taking into account Principle 16 of the Rio Declaration, are of the view that the 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 writers on international environmental law such as Sands believe it has nevertheless attracted broad support and relates closely to the rules governing civil and state liability for environmental damage. It is doubtful whether it has achieved the status of a generally applicable rule of customary international law, except perhaps in relation to states in the EC, the UN and the OECD (Sands, 1995).

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

- i. taxes and charges- the European 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, Articles 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- this 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- these 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- these are mechanisms such as eco-labelling or eco-auditing to capitalise on consumer sensitivity to environmental considerations when purchasing services or products;

- vi. enforcement incentives- these include non-compliance fees to penalise polluters for exceeding prescribed environmental standards, and preference bonds that are refundable payments to relevant authorities who comply with prescribed levels.

The main contribution of this principle to the Covenant is to provide measures to re-establish the situation, and rehabilitation or restoration of the concerned habitats in the damaged area by appropriate remedial mechanisms (Art.40), the recognition of the liability of the state which causes damage to the shared NBT area (Art. 41), and the creation of a new culture of environmental accountability by the tourism industry and their role and responsibility in the re-establishing of the situation (Art 10).

More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle IX of Appendix II.

**10) The principle of human rights:** article one of the 1948 Universal Declaration of Human Rights declares that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

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 have 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 (Background, Principle X of Appendix II).

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 of 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) into 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 (Articles 7(b) and 10(3), ICESR), and the right to enjoy the benefits of scientific progress (Article 15(1,b), ICESR). Environmental degradation could be linked to the violation of each of the above-mentioned rights. The environmental quality of NBT destinations and the effect of its degradation on the living conditions and related rights of the local community should be considered under this principle.

The main contribution of this principle to the Covenant is to ensure local communities enjoy the fundamental human rights related to the development of NBT, maintain the balance between these rights and developmental needs, and address particularly the need to respect their dignity and cultural diversity (Art.6). The principle also should provide collective measures to protect vulnerable groups, particularly women and children, and fulfil their rights and identify the obligations of the tourism industry to fulfil such rights (Art. 10). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle X of Appendix II.

**11) The principle of rights to development:** 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.

The industrial countries, especially the USA share 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 of rights to development.

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

The main contribution of this principle to the Covenant is to guarantee the fulfilment of the principle in a way as to properly address the environmental and developmental needs of NBT destinations and their local communities (Art. 6). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XI of Appendix II.

**12) The principle of poverty alleviation and equitable benefit sharing:** 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.

The main issue in this principle is how national authorities should balance the conservation and sustainable use of natural resources without causing significant harm to the life-cycle and environment while at the same time enhancing standards and quality of welfare. In the lack of such a balanced approach poverty will increase environmental degradation and vice versa. One of the objectives of NBT is to provide conditions wherein local communities can share the benefits and so eradicate poverty in the destination by the implementation of the principles of NBT.

The main contribution of this principle to the Covenant is to develop NBT policies in order to enhance local community benefits resulting from the NBT development and activities and so combat poverty (Art. 17), to advise governments to provide SMEs with appropriate economic incentives (Art. 34), to secure tangible benefits for local communities (Art. 17), and guide the tourism industry in setting out measures for the equitable distribution of benefits from NBT revenues (Art. 10). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XII of Appendix II.

**13) The principle of sustainability:** this principle addresses the need for the harmonisation amongst the 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.

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

The main contribution of this principle to the Covenant is to define the criteria of sustainability in NBT and clarify the application of the sustainability principle to the NBT (Art. 7). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XIII of Appendix II.

**14) The principle of sustainable use of natural resources:** the principle of sustainable use of natural resources aims to exploit 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 generations.

A variety of interpretations of 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. NBT, as a kind of tourism with an emphasis on the non-consumptive factors of the development of its market, has paid full attention to the manner of exploitation of natural resources in NBT policies and development. This particularly focuses on rare and precious resources such as water and energy.

The main contribution of this principle to the Covenant is to provide main guidelines (Art. 22) and necessary measures to ensure sustainable use of natural resources in NBT destinations (Art. 23), address the constraints of natural resources on NBT destinations by appropriate policies and measures (Art. 21), and envisage regional cooperation in the conservation, management, and sustainable use of shared NBT destinations (Art. 37). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XIV of Appendix II.

**15) The principle of conservation and sustainable use of biodiversity:** this principle implies the protection and rational exploitation of ecosystem biodiversity, species diversity, and genetic diversity.

The rational and sustainable use of three main elements of biodiversity, ecosystem biodiversity, species diversity, and genetic diversity, as applied to the development plans and programmes, often conflict with developmental needs of local communities and therefore should be carefully balanced with each other. To develop any NBT policy, the ecosystem approach and the principle of conservation and sustainable use of biodiversity, which are well developed by the CBD, should be observed.

The main contributions of this principle to the Covenant are to describe the rights of the individual to benefit from ecologically sound access to nature and NBT destinations (Art. 4), to encourage research into ecosystem diversity and the NBTs' relationships with the sustainable use of biodiversity (Art. 34), to support NBT activities which contribute to the environment (Art. 12), to oblige states to integrate the principle and its application to NBT destinations into all levels of decision-making (Art. 12), and to maintain the ecological integrity of NBT destinations (Art. 14). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XV of Appendix II.

**16) The principle of careful activity in sensitive and protected areas:** this principle addresses the requirements of any tourism development or activities in ecologically sensitive areas including protected areas.

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

The main contribution of this principle to the Covenant is to designate NBT areas based on this principle and which organ should establish the criteria for designation and who should use these areas and under which circumstances (Art. 3). In addition, if any harm is introduced to a NBT area what kinds of measures should be taken (Art. 40). The principle should facilitate the creation of the system of NBT areas and set out restrictions and regulations for NBT destinations (Art. 3). Other contributions of this principle to the Covenant are to ensure NBT activities abide by this and the sustainability principle (Art. 20), to supply appropriate information of the site's values and prohibited activities (Art. 30), to provide appropriate safeguards to avoid harmful interference to the flora and fauna of the NBT destinations including non-authorised tourism activities and the introduction of non-native species and LMOs (Art. 14). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XVI of Appendix II.

**17) Waste Disposal and Waste management:** this principle aims to control, manage and treat, in an appropriate way, the waste produced in the NBT destination and try to eliminate the threat of its harm to the environment.

There are a few international instruments which consider harm to the environment as a crime and deal with it accordingly. Almost all of these 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 to the enterprise level (for example oil pollution treaties) or covers specific ecosystems or geographical areas such as the Antarctic

Treaties. At the state level there is the 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. The UNCC is the major international body that set out procedures to deal with environmental claims resulting from the 1991 Iraq-Kuwait war. 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.

The main contribution of this principle to the Covenant is to focus on the negative consequences of waste production, including the use of unsustainable models of transport in NBT (Art 5), to identify the role industry on the application of this principle (Art. 10), to establish a waste disposal classification system in NBT destinations and the appropriate measures to implement it as well as updating waste management plans and policies (Art. 15). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XVII of Appendix II.

**18) The principle of prevention of marine pollution:** this principle addresses the requirements for the protection and sustainable use of marine ecosystems by avoiding the pollution of marine resources.

The Environment Impact Assessment of marine pollution caused by international marine vessels is an area which needs more study. At present, such EIAs are not considered as routine practice because marine areas are normally shared areas and therefore many states are involved. The monitoring and reporting of possible environmental damage caused by land-based facilities is mostly considered as a voluntary initiative. This is mainly because of the form of land ownership of coastal facilities. Because of the important position of marine tourist areas in NBT, the elimination of pollution will have a significant role in NBT development worldwide and is therefore a matter for consideration by Draft Covenant.

The main contribution of this principle to the Covenant is to identify the types of which is harmful waste to marine NBT destinations and prohibiting their discharge into the seas, to ensure the ships crossing these sites are equipped with in-board waste treatment systems and that port receiving such ships have sufficient facilities for the reception of all such waste (Art. 16), to encourage states to adopt necessary regulations to prevent marine pollutions (Art.16), to apply EIAs prior to the commencement of new NBT development in marine areas (Art. 24). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XVIII of Appendix II.

**19) The principle of carrying capacity:** 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 in order to absorb tourists without submerging and overwhelming the local culture and causing environmental damage.



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 the tourism industry.

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

The main contribution of this principle to the Covenant is to assist member states to define the carrying capacity of their NBT destinations and provide them with guidelines for integrating carrying capacity consideration into NBT policy and strategy (Art. 26). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XIX of Appendix II.

**20) The principle of the obligatory restoration of the disturbed ecosystem:** this principle addresses the need for mandatory rehabilitation and restoration of degraded and damaged environment caused by careless development and utilisation.

There is a lack of an internationally accepted framework, based on international environmental law, to address appropriately the necessary remedial action and compensation for damage caused by negligent use of natural and biological resources. This is the main constraint on the application of the content of this principle to NBT activities. There is a need to introduce an integrated management approach to address this principle at all levels of NBT destination.

The main contribution of this principle to the Covenant is to establish integrated management approaches in NBT destinations for identifying damages, implementing restoration programmes, conducting research into the cause of damage, developing preventive methods, and imposing sanctions on the polluters (Art. 20). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XX of Appendix II.

**21) The principle of the restrained development of fragile ecosystems:** this principle highlights the need to control, manage and restrain developmental activities in sensitive areas and fragile ecosystems by setting appropriate policy frameworks.

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 conservation restraints apply.

The main contribution of this principle to the Covenant is to show caution in any development in NBT destinations and restrict such developments to a particular location or zone (Art. 21), to employ prior EIAs procedures on new development in NBT destinations (Art. 24), to cooperate in the use of shared NBT destinations at regional level (Art. 37), to employ measures on the restoration and rehabilitation of damaged areas (Art. 40), and to advise member states to redirect their economic approach to a steady state model in the NBT business (Art. 19). More information

on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXI of Appendix II.

**22) The principle of common natural heritage:** this principle addresses the need for the collective protection of natural heritage sites of outstanding universal value. Natural heritage is defined by Article 2 of the 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.

Natural heritage sites are the most attractive but vulnerable and fragile zones in NBT destinations. They should be carefully identified and defined at national level. Therefore, based on the WHC definition, an advanced framework for the recognition of natural heritage sites at national level should be designed. There is also a need to develop appropriate criteria at global level, based on the previous achievement of the international community, to facilitate and support national authorities on their endeavours to identify and classify natural heritage sites and preserve and protect them in a suitable manner.

The main contributions of this principle to the Covenant are to guide parties to identify, classify, protect and preserve their cultural and natural heritage, to establish nature based tourism heritage areas that will enjoy wider global protection and consideration (Art 3), to prevent damage to these areas (Art. 14), to support national endeavours to protect them (Art. 38), to provide advice on the designing of infrastructure around these areas (Art. 22), to recommend regional training centres for the enhancement of their sustainable use (Art.35), and to adopt a policy framework on the implementation of the basic requirements of NBT in these areas (Art. 20). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXII of Appendix II.

**23) The principle of cultural heritage and landscape:** 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 a harmony with the cultural and natural heritage of the area.

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.

The main contribution of this principle to the Covenant is to establish landscape policy and make it mutually supportive by cultural and natural heritage policies in NBT destinations (Art. 22), to integrate landscape planning and management into the regional NBT planning and town planning policies in areas adjacent to NBT destinations (Art. 20). More information on the background and

existing proposals and the author's proposals regarding this principle may be found in Principle XXIII of Appendix II.

**24) The principle of preservation of cultural identity:** this principle deals with the need to respect, preserve and support the identity, integrity and legacy of local and indigenous cultures in NBT destinations.

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 NBT destinations.

The main contributions of this principle to the Covenant are to preserve and support cultural diversity and its components so as to increase mutual tolerance (Art. 23), to safeguard traditional cultural products (Art. 19), to promote internal tourism as a means to increase national sensitivity the cultural and natural heritage (Art. 13), to encourage the respect of the socio-cultural tradition of local and indigenous people by all stakeholders, particularly the tourism industry, and promote the use of indigenous knowledge in NBT management (Art. 13), to respect cultural sensitivity and privacy particularly by tour operators (Art. 11), and to maintain balance between socio-cultural, environmental and economic concerns in NBT activities (Art. 20). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXIV of Appendix II.

**25) The principle of spatial planning and the aesthetic value of nature:** 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 an integrated approach to land-use. Indiscriminate NBT 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 NBT can undermine or destroy traditional activities such as fishing and, perhaps more importantly, cause irreversible damage to valuable ecosystems. The growing market for NBT 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.

The main contribution of this principle to the Covenant is to place an emphasis on the need for spatial and land use policy to protect destination characteristics, including aesthetic values and to avoid visual intrusion (Art. 22), to introduce measures to promote the principle of spatial planning into the development policy and planning of NBT destinations (Art. 23), to integrate conservation and sustainable use of NBT destinations into sectoral and cross-sectoral planning and policies (Art. 20), and to set out the role and obligations of the tourism industry to consider "design with nature" in their physical planning (Art. 10). More information on the background and existing

proposals and the author's proposals regarding this principle may be found in Principle XXV of Appendix II.

**26) The principle of integrated sustainable NBT planning:** this principle implies the need for the integration of sustainable nature based tourism strategies, policies and planning into the overall national development plan.

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, developing countries, the tourism industry, and relevant international organisations. Some advanced countries in the NBT business, such as Australia, and some relevant international organisations, such as the CBD and WTO/OMT have tried to come up with a draft proposal to that end. Such integration is crucial for the sustainability of the NBT activities in the destination.

The main contribution of this principle to the Covenant is to assist member states to formulate NBT plans as part of their overall development plans based on the above mentioned and other relevant principles (Art. 23), to set out appropriate arrangements to facilitate integrated management approaches with the participation of the local community (Art. 20), to establish multi-stakeholder bodies to enhance the participation of all stakeholders in NBT activities (Art. 20), to establish and improve a national action plan on NBT (Art. 23), to support and respect the rights of local communities in the planning and decision making process (Art. 11), and to harmonise industry policies with NBT policies and approaches (Art. 10). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXVI of Appendix II.

**27) The participatory principle and partnership of all stakeholders:** 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 be heard. The participatory principle also implies the need to have shared responsibility at all levels and within all processes.

The participatory principle is categorised by the 1994 Draft Declaration of Principles of 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 & Birnie, 2002).
- 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.

The main contribution of this principle to the Covenant is to promote partnership between all stakeholders (Art. 6), to provide as a priority, on setting up, a coordinated policy approach to guarantee the achievement of social development objectives of NBT and to establish National Multi-stakeholders Body to act as a central organs in decision making and policy setting for NBT destinations at national level, to draw up the duties of the NMB, to establish an International Multi-stakeholders Body (IMB) as an important organisational body of the future NBT international organisation, to identify IMB duties, to support the role of vulnerable groups such as women and children in NBT planning and decision making, and to encourage a greater role for scientists and experts in NBT planning and decision making process (Art. 9). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXVII of Appendix II.

**28) Local community and destination management:** this principle addresses the need for the active participation and involvement of indigenous people and local communities in the decision-making process of NBT.

The main constraints confronting local communities in their participation on nature based tourism activities include economic, social and environmental challenges. They are as follows:

(a) economic challenges: the leakage of tourism expenditures from destinations is high. This money is needed for improving the tourism sector in the destination itself. The daily expenditure per visitor varies from country to country but is generally low. The excessive reliance on tourism, including NBT, carries many risks

(b) social challenges: rapid development of NBT can have significant adverse social impacts on destinations. It can 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 a prolonged growth of tourism is accompanied by an 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 the loss of terrestrial and marine biodiversity, increased levels of pollution from dumping 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 the destruction of coral reefs, soil erosion and the destruction of landscape owing to tourism facilities and associated infrastructures, excessive groundwater pumping and the subsequent lowering of water tables to meet the demand for freshwater of the water-intensive tourism industry.

In order to orient NBT 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, which will require 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 environmental degradation and many social disorders. (ECOSOC, 1999g) and (ECOSOC, 1999h).

The main contribution of this principle to the Covenant is to encourage parties to guarantee the effective participation of local community in the management, and development, and long-term monitoring and assessment of NBT activities (Art. 11), to ensure proper representation of the local community in the national NBT body (Art. 11), to encourage mutual understanding of the hosts and guests (Art. 11), the establishment of partnership based on the quality of NBT (Art. 9), to allocate a proportion of income of the NBT to the development of adjacent areas (Art. 36), to provide appropriate measures to integrate strategies and policies of NBT in balance with social, environmental and economical objectives related to the local community (Art. 23), to undertake capacity building particularly for the local community (Art 9), to facilitate local visits of local community to enhance their awareness and eliminate the unsustainable use of NBT resources (Art. 11), to enable the local community to maintain the sustainable use of its traditional skills (Art. 11), to encourage the tourism industry to adjust its activities with local community concerns in mind and recruit local employees (Art. 10), and to advise them to promote ethical and environmentally conscious behaviour on the part of tourists (Art.10). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXVIII of Appendix II.

**29) The principle of committed tourism industry:** 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 processes regarding NBT activities.

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 there are huge interests in short term nature based tourism business, the central challenge for the tourism industry is to transform itself, in all its forms, into a sustainable activity. This can be done 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. The industry should also commit to engender a new culture of accountability and apply sustainable consumption and production patterns to NBT activities. By such an approach the long-term interests of the industry will be fulfilled while the conservation and preservation goals and objectives will be

met(ECOSOC, 1999a). However, the involvement of the tourism industry in the process of reaching sustainability in the sector should be seen in the Draft Covenant.

The main contribution of this principle to the Covenant is that the tourism industry has to understand the importance of the value and have a knowledge of the use of natural resources and biological diversity and their application to NBT (Art. 10), to guide member states and the tourism industry is establishing an international NBT economic system (Art. 10), to provide the tourism industry with guidelines for applying sustainable patterns on NBT in the destinations (Art. 10), to obtain more sustainability in the destination by using sustainable criteria in their products (Art. 19), to consult with the tourism industry in order to set up quantitative criteria for sustainable NBT activities (Art. 28), to create new a culture of environmental accountability within the tourism industry (Art. 35), and to prepare the ground for the FDI (Art. 19). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXIX of Appendix II.

**30) The principle of the right to rest and leisure:** the right of everyone to rest and leisure is an inalienable 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.

A long-standing challenge facing of the tourism industry and host countries is the seasonality of tourism. It creates unsustainable situations in many destinations and also unavoidable pressure on the industry in high season. The 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.

The main contributions of this principle to the Covenant are the recognition of the right of every one to rest and leisure, and the right of tourism to facilitate the visitors' access to NBT destinations (Art. 4), and to take measures to confront the seasonality tourism (Art. 26). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXX of Appendix II.

**31) The principle of tourism safety:** this principle addresses the need to obtain a safe environment for the ultimate appreciation of nature based tourists.

The security and safety of the nature based tourists and their belongings are a precondition necessary to establish a sustainable business in the destinations.

On one hand, the relevant authorities in the host and guest 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 of the country they are visiting.

To the extent of the knowledge of the author, there is no comprehensive, globally accepted approach to provide the required remedies and compensations for injury to nature based tourists or the damage caused to the local community and the environment at their destination.

The main contribution of this principle to the Covenant is to recognise the obligation of the states to provide NBT tourists with the required protection and use appropriate mechanisms for their

safety and security (Art 33), to propose measures to be taken by the tourism industry to give conformity of the security and safety of NBT tourists (Art. 10), to inform NBT tourists on the safety, security and health issues in the destination (Art. 32), and to set procedures to deal with NBT tourists involved in a crime or who harmfully damages the NBT destination's resources (Art. 42). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXI of Appendix II.

**32) The principle of sustainable transport development:** this principle addresses the role of sound and sustainable transport in environmental conservation and NBT development.

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 obtain 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, these are the issues which should be addressed by both the tourism industry and national and local authorities.

The main contribution of this principle to the Covenant is to design a sustainable long distance access plan for NBT destination and integrate it into the national access plan (Art. 21), to incorporate the sustainable transport principle into the transport system of NBT destinations (Art. 20), and support and facilitate the use of public and non-motorised transport in NBT destinations (Art. 34). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXII of Appendix II.

**33) The principle of equal access and non-discrimination:** this principle addresses the general obligation of states to facilitate public access and the free movement of tourists about the country.

The principle of the right to access to public and private tourism sites may conflict with the carrying capacity principle as well as the need to respect private property rights.

The main contribution of this principle to the Covenant is to provide provision to guarantee free public access to NBT destinations (Art. 4). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXIII of Appendix II.

**34) The principle of incentive measures and voluntary initiatives:** 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 NBT.

The concept of the non-obligatory, non-mandatory use of voluntary initiatives and the duplication of them can result in the carelessness of consumers and tourists. Such concepts present a major challenge to the use and effectiveness of many schemes.

The main contribution of this principle to the Covenant is to present reasonable incentive measures and schemes (Art. 27), to approve international guidelines on V I to facilitate their implementation (Art. 27), to encourage tourism environmentally sound products by awarding



them with quality labels (Art. 10), and to advise the tourism industry to join qualified certification schemes and V I (Art. 10). The principle also contributes by defining Nature Based Tourism Awards (Art. 27). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXIV of Appendix II.

**35) The principle of development of suitable indicators and standards:** this principle has links with the sustainability principle. It addresses the need to develop basic indicators and standards to monitor the progress of the sustainable development of NBT and assist decision- makers and policy-makers in increasing the focus on the sustainability of NBT 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 also provide an early warning, sounding the alarm in time to prevent economic, social and environmental damage.

The international endeavour, including the CSD, on the definition and formulation of indicators for sustainable development is a continuous process and needs to be developed widely. One of the major constraints to internationally accepted indicators is 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. They believe the developed countries are well aware of the deficiency of developing countries to fulfil such compliance and therefore, their emphasis on the development of a complicated list of indicators is a political measure to not provide sufficient ODA. However, a suitable set of standards and indicators is a key tool for measuring the impact of any activities in a sensitive area like NBT destination.

The main contribution of this principle to the Covenant is to coordinate efforts on development of core indicators and their objectives, to develop international standards for the common concerns and issues in NBT destinations (Art. 27), and to identify and adopt national environmental quality standards to be implemented by NBT developers (Art. 27). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXV of Appendix II.

**36) Sustainable consumption and production patterns:** this principle, in the light of Chapter 4 of Agenda 21, addresses the need to eliminate unsustainable production and consumption patterns in order to minimise depletion and reduce pollution.

Achieving sustainability, including within the nature based tourism sector, requires efficiency in production and changes in consumption patterns, which in many instances, will require a reorientation of existing production and consumption patterns.

The need to shift the debate from the moral arena to identify a more tangible economic framework on sustainable production and consumption is a continuous challenge to international negotiation forums.

In addition, nature based tourism consumption patterns have a close relationship with consumers education and information. Regulating consumers' behaviour towards sustainable consumption could assist the tourism industry in fulfilling its responsibility and commitment to the environment. The main contribution of this principle to the Covenant is to promote sustainable consumption and production patterns in NBT, and to identify measures that will enable state members to develop their strategy on sustainable production and consumption patterns in NBT (Art. 18). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXIV of Appendix II.

**37) The principle of environmental impact assessments:** environmental impact assessment procedures are 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 regarding the zoning of development projects and the mitigation of potentially harmful environmental effects before harm occurs. Therefore, The EIA requires environmental issues to 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 (Elworthy & Holder, 1997).

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.

The main contribution of this principle to the Covenant is to subject all NBT projects to EIAs procedures (Art. 24), to ensure local community participation in these procedures (Art. 11), to provide technical assistance on EIAs to developing countries (Art. 38), to classify EIAs procedures (Art. 24), to advise member states to designate national authorities who will implement EIAs and to institute baseline information on EIAs (Art. 24), and to establish an International Environmental Impact Assessment Unit (IEIAU) in the secretariat of the Covenant (Art. 24). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXVII of Appendix II.

**38) Monitoring and reporting:** 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 areas concerned by using appropriate indicators.

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 the SIDS global conference on sustainable development and the UNEP reporting initiatives. On the monitoring issue, there is a need to draw up a monitoring framework of 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.

The main contribution of this principle to the Covenant is to advise parties to establish a monitoring mechanism and define its mandate to regularly monitor NBT destinations and report the results to the IEIAU (Art. 25), to conduct scientific research and implement scientific monitoring programmes in NBT (Art. 34), to submit periodic national reports on NBT activities to COPs (Art. 25), to advise the tourism industry to submit its report to the national authority who will include it in the periodic national report (Art. 25), and to enhance national capacity for monitoring and reporting of NBT activities (Art. 35). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXVIII of Appendix II.

**39) The principle of environmental awareness and education:** this principle addresses the right to seek, receive, and disseminate information in respect of sustainable nature based tourism.

There is a need to develop concepts and criteria for sustainable nature based tourism and incorporate them within education and training programmes for the guest and host communities and tourism professionals. Any investment in education for all of the stakeholders has a direct effect on the preservation and protection of cultural and environmental values and the assets of the destination.

The main contribution of this principle to the Covenant is to promote the understanding of the values of sustainable NBT and the importance of responsible behaviour in NBT activities (Art. 30), to develop educational and public awareness programmes in NBT and identify their targets, to inform the public of the dangers threatening NBT sites, to identify the guidelines for cooperation between the tourism industry and other parties on the implementation of this principle, and to encourage media to provide reliable information on NBT destinations (Art. 32). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XXXIX of Appendix II.

**40) The clearing house mechanism:** the need to establish a body to facilitate the exchange of information and disseminate best practices at international level and enhance the awareness of using nature based tourism areas in a wise and sustainable manner.

The nature based tourism CHM should be carefully designed to meet its main objective. It should be flexible and compatible with the various levels of the parties' capacity and facilitate the exchange of information. It should serve as a mechanism to fulfil the relevant needs 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 the transfer and use of environmentally sound technology.

The main contribution of this principle to the Covenant is to promote technical and scientific cooperation in NBT by establishing the CHM, to provide guidelines and criteria for the establishment of a CHM (Art. 30), and to clarify the ideal that access to indigenous knowledge

should be based on the prior informed concepts (Art. 19). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XL of Appendix II.

**41) The principle of the employment of environmentally sound technology:** this principle addresses the need to consider the use of Environmentally Sound Technology (ESTs) in NBT development to achieve sustainability and to protect destination environment.

A variety of limitations makes the application of transfer of ESTs complicated. This kind of technology needs adequate time, funds, and well-established research institutions to achieve its ends and therefore, its availability requires more international terms of references and mutual trust. The issue of the intellectual property rights of ESTs should also be appropriately addressed to avoid any misuse and misunderstanding amongst stakeholders and encourage, in particular, private sectors to take part in the transfer of ESTs.

The main contribution of this principle to the Covenant is to strengthen international cooperation for the transfer and use of ESTs for NBT purposes and to propose a mechanism to facilitate such cooperation, and to use ESTs for the enhancement of environmental standards in NBT destinations and specify areas of priority (Art. 31), to encourage international organisations to support the transfer of ESTs, and to advise developed countries on how to facilitate destination counties with the provision of ESTs assistance (Art. 38). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLI of Appendix II.

**42) The principle of capacity building and technical cooperation:** this Principle addresses the need to develop capacity building among major groups, particularly local communities and the local tourism industry in NBT development, to facilitate their effective partnership, sharing of benefits and achieving sustainability in the destinations.

One of the major constraints on sustainable tourism development is the lack of sufficient capacity, particularly amongst local communities and indigenous peoples. Such a problem will increase the gap between local people and the rest of the 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 is dramatically growing. This could cause a reckless approach toward the use of natural resources and the environment of the destinations.

Institutional arrangement is also needed in the area of harmonised and well-coordinated capacity building programmes for major stakeholders at all levels.

The main contribution of this principle to the Covenant is to identify ways and means of promoting national capacity building and clarify the objectives of such programmes (Art. 35), to provide a mechanism for the enhancement of international cooperation in capacity building in NBT (Art. 38), to promote scientific capacities regarding NBT issues in the destinations (Art. 34),

and to develop a financial mechanism for capacity building at all levels on NBT issues (Art. 35). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLII of Appendix II.

**43) The principle of national institution and administrative capacity:** this principle addresses the need to enhance the institutional and regulatory capacity of governments and strengthen the administrative capacity building and development of human resources in NBT issues.

Many national governments are faced with limited capacity within their administrations to address the needs of the 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 the legislation and the obscurity of regulations. Many destination countries also face the persistent problem of an inadequate supply of trained manpower, particularly in the 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 the tourism industry, while the quality of human resources within the administration could 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.

The main contribution of this principle to the Covenant is to recommend that parties improve their legislative framework for NBT, to enhance institutional and administrative capacity among national authorities and identify the areas where national governments need to improve their institutional and administrative capacity, and to provide parties with the means to strengthen their institutional framework, standardise legislation and simplify regulations (Art. 35). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLIII of Appendix II.

**44) The principle of international cooperation:** this principle addresses the need for international cooperation to implement existing international regulations and to promote multilateral cooperation and coordination in the field of nature based tourism.

The general obligation to cooperate can be translated into the implementation of the treaty's objectives (CBD Art. 5), or to specific commitments under a treaty (Climate Change Convention, Art. 4.1e), or more specific commitments through techniques designed to assure information sharing and participation in decision-making. In NBT the international cooperation should also encourage the accession to the existing environmental treaties, harmonising parties' activities, facilitating them with appropriate means, and promoting regional cooperation.

The main contribution of this principle to the Covenant is to encourage member states to become party to the relevant NBT treaties (Art. 43), to encourage international organisations to provide the parties to the Covenant with appropriate assistance to develop their NBT projects in a sustainable manner and to avoid duplication and waste of resources (Art. 38), to encourage regional cooperation on NBT (Art. 37), to provide guidelines and mechanisms for promoting international cooperation (Art. 38), and to evaluate the relationship between the implementation of the Covenant and other relevant international instruments (Art. 47). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLIV of Appendix II.

**45) The principle of financial resources:** this principle suggests an appropriate international financial mechanism to address and support the financial constraints of NBT developments.

Financial constraints could effect the proper implementation of international environmental agreements. Developed countries did not reach the level of ODA suggested in the Rio Summit which makes even more difficult the compliance of developing countries with such agreements. In a tourism area, the involvement of the tourism industry as a rich sector could contribute to the implementation of the Covenant, if properly addressed.

The main contribution of this principle to the Covenant is to provide financial assist once to the local and national activities aimed at achieving the objectives of this Covenant (Art. 36), to provide financial assistance, in addition to regular ODA, for the sustainable NBT activities and to fulfil the objectives of the Covenant in the NBT destinations (Art. 36), to identify the conditions under which the donors and international organisations should provide financial assistance for NBT activities (Art. 36), to create an appropriate funding mechanism for the voluntary contribution of the tourism industry to the conservation and maintenance of NBT areas (Art. 36). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLV of Appendix II.

**46) The principle of compliance measures:** this principle addresses the need to have appropriate measures for the implementation and enforcement of the content of the Covenant.

Compliance measures are not considered as a powerful tool to oblige parties to implement the content of most environmental instruments and agreements. In recent years some of them, such as the 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 the compliance principle, or limit it as much as possible, while negotiating a new international environmental instrument. Some developing countries, and recently particular developed countries, prefer to have more concrete obligations regarding compliance measures in developmental agreements instead of environmental ones.

The main contribution of this principle to the Covenant is to recognise the responsibility of states for the breach of their obligations under this Covenant, and to set up particular compliance

measure procedures to ensure the fulfilment of the provisions of the Covenant (Art. 45). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLVI of Appendix II.

**47) The principle of dispute resolution:** the purpose of this principle is to provide an appropriate mechanism to resolve disagreements, disputes, and conflicts amongst contracting parties.

The lengthy and time-consuming procedures in international agreements could be considered as a constraint on effective implementation of the content of such agreements. In addition, national disputes on the use of natural resources amongst rival departments and industries at local and national level is another important issue for tourism industry

The main contribution of this principle to the Covenant is to refer national and local disputes to the NMB, and to advise parties to resolve their dispute by peaceful means or alternatively refer it to the IMB (Art. 46). More information on the background and existing proposals and the author's proposals regarding this principle may be found in Principle XLVII of Appendix II.

### **Main Innovations in the Covenant**

Almost all of the above mentioned principles made a significant contribution to the drafting of various environmental or developmental international instruments. They are the basis of international forums on negotiation and form new instruments or amend existing ones. They provided a very useful input to the rule making and procedures for NBT. Many of their involvements are described in Appendix II, such as the background and existing proposals for each principle. The author used various proposals made by previous attempts to formulate the Draft Covenant. Many of these proposals or decisions may have been used in other contexts not directly related to NBT, but they contain language useful for dealing with concerned issues in other areas of interaction between environmental and developmental matters at global level. The author benefited from such useful language and has converted or transformed it in such a manner as to address the needs of NBT requirements and used it in the formulation of the Covenant. There are also many innovative subjects in the Draft Covenant. Many of them are the results of the review and analysis undertaken in this thesis and are designed to address particular shortcomings or to facilitate state members to overcome a particular problem or provide them with updated ideas and instruments to achieve the sustainable development objectives related to NBT.

Some of the notable innovations of the Covenant are as follows:

- The establishment of Nature Based Tourism Areas, (NBTA) (Art. III of the Covenant).

The main attractions of NBT can be found in the rich, beautiful and most environmentally and socio-culturally sensitive areas. These areas normally include national parks and reserves, protected areas in the land and seas which contain outstanding environmental, social, cultural, historic, scientific, aesthetic, and wilderness values. Having in mind that NBT and the environmental quality of the sites have a permanent interaction, the preservation and conservation

of these areas have a high priority in NBT business. One of the important innovations of the Covenant is the establishment of Nature Based Tourism Areas. The NBTAs will be created using specific criteria. There will be a national system of NBTAs and the management will be based on an ecosystem approach. The NBT activities in these areas will be restricted and subjected to various conditions described in article III of the Covenant. The establishment of geographical areas for particular use was employed only in the 1972 World Heritage Convention and the 1991 PEPAT of the Antarctic Treaty.

- Multi-stakeholders' involvement in all NBT activities by establishing a National Multi-stakeholders Body (NMB) (Art. IX and XX).

The active participation of the all stakeholders in NBT will address one of the main shortcomings of the existing international instruments. Such participation will guarantee the achievement of the social development objectives, protection of environmental assets and preserve cultural values. In addition, it will provide for the equitable distribution of benefits in the NBT destination. To achieve such a goal, the Covenant comes up with the new idea of establishing NMB as a participative planning mechanism. This mechanism will guarantee the maximum possible participation of the local community, tourism industry, government authorities, vulnerable groups, scientists and academics in NBT activities. The NMB will provide transparency, accountability and participatory factors at all levels of rule setting, decision making, implementation, management, EIAs, monitoring and reporting processes. By using NMB, every single social sector has its voice in the NBT process. This will provide it with an environment to secure its interests and to lead NBT activities towards a more balanced approach. The NMB will also increase the responsibility of all stakeholders.

- Establishing an International Multi-stakeholder Body (IMB) of the COPs (Art. IX)

The NMB is an instrument to working at national level. There is a need to provide major stakeholders with an international forum to express their views and influence and shape the decision-making process at international level. The international forums are normally the place to coordinate governments' positions. There are quite a few international organisations where major stakeholders have a voice. The ILO is well established and the oldest one in which government representatives, the trade union representatives, and the representatives of labour union are active in the decision making process. To a certain extent there is an immense gap within international environmental and developmental instruments regarding the involvement of major stakeholders in the decision-making process. Therefore, the Covenant envisages a coordinated policy approach in the form of a consultative body to the COPs. The IMB is a multidisciplinary open-ended multi-stakeholder advisory body and contains three selected representatives from the NMB of each member state.

- Providing the local community with major roles in NBT activities (Art. XI).

One of the main objectives of the Draft Covenant is to facilitate and enhance the participation of local communities and indigenous people in and around NBT areas. It will provide a suitable



mechanism to serve the other objectives of the Covenant including the protection and sustainable use of NBT areas, the preservation of cultural and social values in the destination, the equitable distribution of benefits, and generally contribute to the sustainability of the NBT areas. The Covenant identifies the rights and obligations of the local community. The responsibilities of the government in respect of the local community are defined. The right of the local community to participate in all NBT process is expressed. By using the NMB, the local community is empowered to participate in high level decision-making, rule setting, implementation and management of any NBT development. The Covenant also provides them with the right to oversee the tourism industry regarding requesting the state members to ensure the local community's representation on the responsible national bodies.

- Tourism industry involvements, its rights and obligations (Art. X).

The tourism industry has an important role in this economic sector. In some countries with an advanced tourism sector, the industry has a decisive role compared with the national authorities (more information in Third Part of Appendix VIII). One of the innovations of the Covenant is prepare the ground for more and meaningful involvement and responsibility of the part on the industry in decision making and norm setting as well as the implementation and management of NBT by identification of its rights and obligations. The Covenant provides the tourism industry with an environment to hear and be heard, to deal with the concern of other major stakeholders and to resolve its problems through an international instrument. By this involvement the cooperation between all stakeholders and the harmony in the development and management of NBT will improve. For more information and the formulation of such involvement please see Article X of the Draft Covenant in the next Chapter and Principle 29 in Appendix II.

- Proposing EIA procedures (Art. XXIV).

For almost three decades the international community and individual countries, particularly developed ones, have tried to formulate Environmental Impact Assessment procedures. Before the 1992 Rio summit, the 1982 World Charter for Nature in its Para 11 and the 1982 UNCLOS in Article 206 address the issue to some degree, while the United States in the 1969 NEPA tried to sort out a set of regulations for IEAs. It was addressed by principle 17 of the Rio Declaration and hereafter the international community had a more integrated approach towards IEA procedures (Boyle & Birnie, 2002). The Draft Covenant makes a series of innovations on the implementation and management of the IEA process within the tourism industry. The Covenant categorises NBT areas as marine or land areas. For both of them, the employment of prior EIA procedures at the commencement of any new development or activity is obligatory in order to determine whether or not the impacts are minor or transitory. This procedure should assess the likelihood of any significant adverse impact on the buffer zones. The Covenant identifies the character and functional factors of EIAs. The activity may proceed forthwith if classified as having less than a minor or transitory impact. Otherwise, an Initial Environmental Evaluation shall be prepared to recognise if the activity has more than a minor or transitory impact. In this case there is a

cumulative impact and alternative proposals should be introduced. If the Initial Environmental Evaluation procedures find that the proposed activity has no more than a minor transitory impact, the activity may proceed under proper monitoring. Otherwise, a comprehensive EIA shall be employed. The Covenant describes the technical aspects of the process. If the implementation of the proposed activity is approved, it should be carried out under regular and verifiable monitoring using key environmental indicators. To assist the implementation of the above EIA procedures, the Covenant proposes the designation of responsible national authorities to control the national aspects of the implementation of the EIA. The establishment of the IEIAU in the secretariat of the Covenant is proposed to facilitate the EIAs and to address the national and regional carrying capacity of NBTAs.

- Introducing a compensation mechanism (Art. XL, XLI, XLII, and parts of Articles X and XXXIII).

In the case of significant harm to the natural resources of NBT areas, the Covenant proposes a system of compensation to re-establish the situation by providing a remedy for the harm. It includes rehabilitation and restoration measures, research and capacity building and contribution to the socio-cultural development of the damaged site. This process should be monitored by relevant international organisations and if the harm is serious the parties should establish sanctions and implement fines, confiscation, suspension and any other measures on the perpetrator. The Covenant also provides the parties with a system of compensation for the shared NBT areas or deliberate acts in Article XLI. In the case that damage is caused by individuals, the Covenant sets out measures to ensure the re-establishment of the site by appropriate remedies and/or proper compensation to victims of the environmental harm. In the case of serious environmental harm, the state of which the perpetrator is a national is responsible (Art. XLII).

- Introduction of NBT Awards (Art. XXIX).

This initiative is a result of the more obligatory use of the voluntary initiatives approach of the Covenant. The Covenant has put an emphasis on the development and wider use of incentive measures including awards. The NBT Award is designed to serve the ample use and implementation of the objectives and content of the Covenant. It should be granted to selected stakeholders that have made a remarkable contribution to the protection and sustainable use of the NBTAs. The achievement of the award should be taken into account by the international community as a sign of the eligibility and commitment of the recipient.

- Introduction of a Clearing House Mechanism CHM (Article XXX).

The Covenant provides a CHM mechanism to address the needs of state members for the enhancement of technical and scientific cooperation in NBT. The bases for the action of the proposed CHM are the development of information networks and the dissemination of information, best practices and techniques, and establishing joint research programmes. It also facilitates capacity building, regional cooperation, the transfer of ESTs, cooperation among

stakeholders, early warning systems, and the integration of the private sector and SMEs within ODA. More areas of CHM services are identified in Article XXX.

- Providing a mechanism to confront tourism seasonality and achieve sustainability and awareness (Art. XXVI).

Destination countries and societies are always confronted with the seasonality in their tourism planning and management. This is a major challenge and notable barrier to achieving tourism sustainability. Seasonal mass tourism ignores the carrying capacity limitation of the destination, destroys cultural and environmental assets, puts pressure on precious natural resources, creates job uncertainty, and creates unsustainable conditions in the destinations. NBT has the ability to remove such segments from its market. The Covenant provides an innovative measure and proposes that state parties allow the leave of absence of students each year during term-time to enjoy NBT activities with their families and provide other students with information obtained, disseminate information amongst the youth and so increase their respect for the environment and local communities' culture. The Covenant also advises the improvement of the system of annual leave with pay for the same purpose.

- Defining the criteria for sustainability in NBT (Art. VII).

The identification of the criteria for sustainability in the NBA is other important step forwards in Covenant. It addresses the core issues of NBT and provides a proper legal basis for further activities and actions under the umbrella of the Covenant. The main criteria are that NBT should be ecologically bearable, environmentally viable, and socially equitable. Other criteria for NBT include increasing local community benefits, contributions to the protection of NBTA, carrying capacity of the destination and confronting seasonality issues, planning with nature in designing NBT products, enhancement of tourists' awareness, and profitability for all stakeholders.

- Proposing a compliance measure mechanism (Art. XLV).

Many new legally binding international instruments employ compliance measures as tools to ensure the implementation of the obligations of each party. To the extent of the author's knowledge, there is not an international tourism related instrument with compliance measures as an integral part. The Covenant provides the provision of obligatory compliance measures including strengthening reporting requirements and enquiry procedures. It also establishes different types of visits to sites to verify any breach of regulations observed by the Covenant. These visits are categorised as voluntary visits where the concerned party invites the selected officials to pay a visit to the NBTA, the periodical visits that the COPs will organise through appropriate decisions and measures and, finally, fact-finding missions which are more restricted visits.

Other interesting innovations in the Covenant are listed below:

- creation of a system of NBT at national level, based on an ecosystem approach (Art. III)
- addressing shared NBTA issues (Art. XLI)
- establishing international NBT economic system (Art X)

- establishing integrated management approaches for NBT (Art. XX)
- setting up guidelines for NBT strategy and planning (Art. XX)
- proposing guidelines for physical planning (Art. XXIII)
- introducing measures to promote sustainable production and consumption patterns (Art XVIII)
- adopting the mandatory use of incentive measures such as codes, voluntary initiatives and eco-labels in NBT (Art. XXVIII)
- establishing a waste disposal classification system for NBTA (Art. XV)
- benefiting from environmentally friendly models of transport in NBT development (Art. V)
- providing a reporting mechanism (Art. XXV)
- development of integrated voluntary initiatives (XXVIII)
- providing guidelines for national environmental quality standards to be used by developers (Art XXVII)
- defining important factors on carrying capacity of NBTA (Art. XXVI)
- providing guidelines to facilitate the wider use of ESTs (Art. XXXI)
- providing research facilities (Art. XXXIV)

Before the conclusion of this chapter, the organisational arrangement presented in the Covenant should be highlighted as one of its valuable innovations. The Conference of the Parties (COPs) is envisaged as a general and main decision making body. Its duties are supporting the implementation of the content of the Covenant, the evolution of its relationship with sustainable development goals, and adopting policies and measures on the conservation and sustainable use of NBTAs. The COP will establish the Committee of Experts (COE) as a panel to facilitate the development of partnership between all member states and major stakeholders to address the issues relevant to the objectives of the Covenant, to assist the secretariat and to provide conferences of the parties with appropriate recommendations to facilitate fulfilment of its mandate. The COE comprises representatives of member states, the representatives of local communities, the representatives of the tourism industry, the representatives of NGOs, scientists and experts on NBT (Art. XLII). It should also prepare EIA procedures for national use (Art. XXIV), present the functional procedures of the IMB to the COP (Art. IX), and prepare guidelines for tourism industry reporting (Art. XXV), as its substantial organisational duties. It should also review the application of NBT awards and recommend it to the COP (Art. XXIX), propose mechanisms to enhance multilateral cooperation and involvement of relevant international organisations in scientific monitoring and research programmes into COP (Art. XXXIV), and identify the NBT heritage areas and recommend them to the COP for approval (Art. III).

The IMB is an advisory body to the COP to provide it with the ideas and concerns of major stakeholders, particularly the local community (Art. IX). It also plays an advisory role in dispute resolutions between parties (Art. XLV).

## Chapter VIII

### Draft Covenant on Nature Based Tourism

#### Preamble

The parties to this Covenant;

*Guided by* the United Nation Charter, the Universal Declaration of Human Rights, the World Heritage Convention, the Convention on Biological Diversity, and other relevant international instruments on nature based tourism;

*Guided also by* the Stockholm Declaration of the United Nations Conference on the Human Environment, the World Charter for Nature, the Rio Declaration on Environment and Development, Agenda 21: Programme of Action for Sustainable Development, the Programme of Implementation of WSSD, the Global Code of Ethics, and other relevant instruments of international environmental law related to Nature based tourism,

*Recognising* that human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible;

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

*Reaffirming* the need to fulfil the right to development must so as to meet the developmental and environmental needs of present and future generations in a sustainable and equitable manner while emphasising the essential duty of all to respect and preserve the environment;

*Convinced* that living in harmony with nature is a prerequisite for sustainable development,

*Deeply concerned by* the severe economical, social and cultural consequences of environmental harm, and convinced that the potential irreversibility of environmental harm gives rise to special responsibility to prevent such harm,

*Concerned* that the ignorance of the indigenous and local communities rights lead to environmental degradation and that environmental degradation leads to violation of the local communities rights,

*Acknowledging* that all persons have the right to seek, receive, and disseminate information in respect to the environment,

*Reaffirming* that nature and biological diversity are the major resources of nature based tourism and should be, by all necessary measures, safeguarded,

*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,

*Reaffirming* nature based tourism areas are part of the world heritage of mankind as a whole, and their conservation is a common concern of all,

*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,

*Reaffirming* the fundamental purpose of nature based tourism, in particular the development of friendly relations among nations and cultures, protection and sustainable use of environment, appreciation of the nature, and contribution to sustainable development,

*Reaffirming* the right of everyone to rest, leisure, and travel freely for educational and pleasurable purposes and to enjoy the advantages of nature based tourism,

*Reaffirming* 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,

*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. 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,

*Recognising* the need to integrate environmental and developmental policies and laws in order to achieve sustainable nature based tourism and meets the preservation of the environment, the requirements of local communities and fulfilment the aspiration of visitors,

*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,

*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,

*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 effective measures to avoid or minimise such a threat,

*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,

*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,

*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,

*Underlining* that the relationship between the environment and nature based tourism is delicate and being aware of the potential destruction which excessive tourist pressure and certain harmful practices may cause in nature based tourism areas,

*Acknowledge* that tourism has significant and complex social, economic and environmental implications, which can bring both benefits and costs to the environment and local communities,

*Underlining* that nature based tourism development relies on increasingly high-performance technology which makes it easier for tourists to travel rapidly to the remotest and most fragile environments;

*Convinced* of the need to enhance the protection of the nature based tourism areas and buffer zones and adjacent areas,

*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,

*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,

*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,

*Acknowledging* that addressing the particular situation and needs of tourism destination countries, especially those of most environmentally vulnerable, is a high priority, and that tourism origin countries bear a special responsibility in the pursuit of sustainable nature based tourism in the destinations,

*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,

*Support* the further implementation of the international principles, guidelines and codes for sustainable tourism proposed by UNEP, WTO, CBD, CSD, and ILO for the enhancement of international and national legal frameworks, policies and master plans to implement the concept of sustainable development into tourism,

Have agreed as follows;

## Part I

### Article I

#### Objectives

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.

### Article II

#### Definition

To the purpose of this Covenant, Nature Based Tourism means any form of sustainable nature and community-based, non-consumptive, low environmental and cultural impact tourism according with carrying capacity and economic generation on destination and fulfils the wishes and aspirations of all kind of visitors in a learning environment.

### Article III

#### Establishing Nature Based Tourism Area

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.

The first Conference of the Parties (COPs) to the Covenant 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.

The inclusion of a nature based tourism area to the above list does not prejudice the exclusive sovereign rights of the contracting party in whose territory the area is situated.

Each party shall create a system of nature based tourism areas, with buffer zones and adjacent areas as well as interconnected corridors where appropriate, and 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, based on criteria set up by the first COP.

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 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.

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

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. 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, is the duty of international community. These areas shall be designated as a natural reserve, devoted to peace and science and enjoyment of human kind. The Conference of the Parties may decide on the areas to be nominated based on the recommendation of its Committees of Experts and through appropriate procedures.

## **Part II**

### **Principles**

#### **Article IV**

##### **General Principles**

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 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.

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 the nature.

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.

## Article V

### Environmental Principles

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.

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.

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.

## Article VI

### Social and Developmental Principles

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.

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.

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.

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.

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.

## Article VII

### Nature Based Tourism Principles

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.

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

- i. It must be ecologically bearable in the long term, economically viable, as well as ethically and socially equitable for the local communities.
- ii. 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,
- iii. All products in nature based tourism areas shall be designed with local environmental, cultural, and socio-economic criteria in mind,
- iv. It shall increase economic and social benefits for host communities,
- v. It shall actively contribute to the conservation of natural resources and the cultural integrity of host communities,
- vi. It shall increase awareness of guests towards the conservation of the natural and cultural heritage of the area,
- vii. It shall be profitable for all stakeholders involved.

## **Part III**

### **General Obligations**

#### **Article VIII**

##### **State Obligations**

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.

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.

Parties who are members of international organisations undertake to pursue within such organisations policies that are consistent with the provisions of this Covenant.

Parties shall fully implement the content of the Covenant and fulfil its objectives.

#### **Article IX**

##### **Multi-Stakeholders Involvement**

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.

To this end, each party shall establish a National Multi-stakeholders Body (NMB) 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 areas 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.

The National Multi-stakeholders Body 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. 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.

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.

Each Party 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 also 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.

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.

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.

Parties shall undertake appropriate programmes for capacity building to promote partnerships and enhance dialogue with all major groups in relation to nature based tourism.

## Article X

### Tourism Industry Rights and Obligations

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.

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.

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,
- 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 build in the local style and as far as possible with local materials which blend in with the surroundings and the landscape 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,
- 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,
- viii. Multinational enterprises of the tourism industry should not exploit the dominant positions they occupy and avoid excessive repatriation of their profits,
- ix. The establishment of balanced relations between enterprises of host and guest countries.

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.

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.

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,
- iii. Avoid becoming the vehicles of cultural and social models artificially imposed on the host communities,

- 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.

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. To this end, the tourism industry shall;

- i. Support international efforts and implement international instruments to end the abuse of women and children abuse in the tourism sector,
- ii. Implement responsible tourism marketing and advertisement and create awareness among tourists and tourism personnel on the rights of women and children,
- iii. Support activities to provide employable skills to children at an employable age and implement innovative programmes to ensure adequate and full employment of breadwinners,
- iv. 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.

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.

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.

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.

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.

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.

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.

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.

## Article XI

### Local Community Matters

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.

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.

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.

Parties shall ensure that the local communities and indigenous people are properly represented on relevant national bodies to oversee the tourism industry.

The local community representatives should also have in mind that nature based tourism, as a form of tourism which emphasises quality tourism, is based on mutual *understanding* of the destination including its cultural and natural richness and of the capacity of tourism appreciations.

Parties shall be ensured of active and constructive participation of local communities and indigenous people on the nature based tourism EIAs procedures.

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.



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.

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,

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.

## **Part IV**

### **Obligation Regarding to Nature Based Tourism Objectives**

#### **Article XII**

##### **Environmental Contributions**

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

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

#### **Article XIII**

##### **Safeguarding Culture**

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. To this end the tourism industry and public authorities should promote the use of indigenous knowledge in nature based tourism management and work actively with indigenous leadership and local communities so their culture is depicted accurately and with respect.

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.

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.

## Article XIV

### Harm Prevention

Each Party undertakes not to take any deliberate measures which might damage directly or indirectly the national or shared nature based tourism areas and its components including cultural and natural heritage.

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, integrating conservation objectives into physical planning systems, trading of products and derivatives of the area based on the management plans for the sustainable harvesting of biological resources, and avoid endangering any species or ecosystem of the area.

Parties, using appropriate measures, shall protect and avoid harmful interference or the killing, injuring, capturing, handling and molesting of indigenous flora and fauna of Nature Based Tourism Areas by tourism activities, except with permission. They shall not allow the trade of such species in accordance with the provision of CITES.

The introduction of harmful interference or the killing, injuring, capturing, handling and molesting of endangered or specially protected species of the Area's 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.

No species of animal or plant not native to the Area, including domestic ones, shall be introduced on to land or into water in the Nature Based Tourism Area and its buffer zones, except in accordance with a permit.

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 of Nature Based Tourism Area.

## Article XV

### Waste Management

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.

Parties shall take appropriate measures to implement the following;

- i. The amount of waste produced of by nature based tourism activities in the Nature Based Tourism Areas 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 this Covenant.

- ii. Waste storage, disposal and removal from nature based tourism areas, as well as recycling and source reduction shall be essential considerations in the planning and conduct of activities in these areas.
- 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.
- 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.
- 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.

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 XVI

### Marine Pollution

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.

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.

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.

## **Part V**

### **Global Obligations**

#### Article XVII

##### Poverty Eradication

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.

Parties shall develop nature based tourism activities 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, to disperse activities to outlying areas to increase rural incomes, to entail positive effects on and maintain the socio-cultural identity of the destination, to encourage cooperation of major groups at all levels, to promote linkages within the local community to facilitate a wider spread of benefits, to provide additional activities for some traditional economic sectors such as handicrafts, 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.

#### Article XVIII

##### Consumption and Production Patterns

Parties shall promote 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.

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,
- v. Collect and disseminate information on consumption patterns,
- 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.
- vii. Provide sufficient product information to enable consumers to make informed environmental choices.
- 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.

## **Article XIX**

### **Economic Activities**

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.

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 fare and sustainable partnership with private and public sectors.

Parties shall endeavour to make the destination more sustainable by, inter alia, designing all products with environmental, cultural, and socio-economic criteria in mind.

Parties shall take necessary measures to safeguard and support traditional cultural products, handicrafts, and folklore to avoid their degeneration and standardisation.

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.

## **Part VI**

### **Policy and Planning**

## **Article XX**

### **Integrated Policy Approaches**

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.

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.

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.

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.

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.

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.

Each party shall establish integrated management approaches also;

- i. to integrate nature based tourism policies and planning into national development programme;
- ii. to integrate conservation policies into nature based tourism development;
- iii. to identify the damaged or degraded zones in nature based tourism areas;
- iv. to carry out restoration programmes and support the local community in implementing effective remedial action in these zones;
- v. to conduct joint research with the tourism industry and environmental groups on the causes of damage and develop methods to avoid future harm;
- vi. to introduce sanctions, including the suspension of permits, and penalise the perpetrators and developers responsible for harm including sufficient levels of compensation.

In the formulation of integrated management approaches, each Party, through a wide consultation process with all relevant and affected stakeholders, shall set up and 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 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,
- 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,
- 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,
- Tourist demands are sufficiently analysed, a wide range of tourist amenities are promoted, and a variety of activities for visitors are organised,
- 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,
- The inventories of ecosystems and cultural and natural resources of the area are appropriately drawn up,
- Prior and flexible planning of investment in, and regulation of, nature based tourism infrastructures are properly addressed and required financial resources are available.

To this end, as Article IX refer to, the establishment of a National 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.

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.

## Article XXI

### Developmental Policies

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;

- 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,
- ii. Give priority and encouragement to nature based tourism activities that are conducive to saving rare and precious resources; in particular water and energy, 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,
- 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.
- 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 and promoting the use of sustainable forms of transport.

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.

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. Any tourism activities and amenities in these areas shall be located in carefully chosen areas so as to restrict development in sensitive zones and tourist activities shall be limited to a bear minimum.

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.



## Article XXII

### Environmental Policies

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.

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.

Without prejudice to the rights of the local community to adequate housing, 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.

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.

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.

## Article XXIII

### Nature Based Tourism Policies

Nature based tourism polices 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. Any nature based tourism development and planning should underlie the principles of prevention, precaution and remedial action.

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. 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.

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.

Parties shall ensure that the nature based tourism strategy and plan set out by 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.

Parties shall also pursue appropriate strategies and policies of sustainable nature based tourism to balance it with wider economic, social, and environmental objectives at 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,
- 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,
- viii. Increasing the participation of national investors 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,
- 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.

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.

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. To do so, each party shall:

- i. Use appropriate landscape ecological planning 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,
- ii. 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,
- iii. 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,
- iv. Incorporate nature based tourism area spatial planning into a complete tourist development strategy,
- v. 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 and incorporate tourism spatial planning in the planning of these sectors to ensure that the needs of all sectors are properly addressed,
- vi. 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,
- vii. 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.

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.

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, 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.

## **Part VII**

### **Policies Regarding Implementation and Coordination**

#### **Article XXIV**

##### **Environmental Impact Assessment**

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.

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 to rectify the environmental damage at source and to prevent potentially more serious harm to the area.

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 EIAs procedures set out by this Covenant shall be applied.

Each Party shall employ prior EIAs 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.

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 EIAs 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.

Each Party shall ensure that the environmental assessment procedures set out below 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.
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.

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.

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 EIAs takes account of the provision of this Covenant and the procedures set out by COPs.

The COPs, 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 advice parties in a practical manner. The IEIAs Unit shall also assist the Committee of Expert to prepare appropriate procedures for national EIAs and required environmental standards for nature based tourism projects to be submitted to the Conference of the Parties for approval.

## Article XXV

### Monitoring and Reporting

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. 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.

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.

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

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.

## Article XXVI

### Carrying Capacity

Each Party, in close consultation with the local community, shall identify and define the carrying capacity of nature based tourism areas to manage tourism within cultural and environmental limits of acceptable change.

Parties shall consider the environmental and socio-cultural carrying capacity of nature based tourism destinations in their tourism policy and strategy by;

- i. Keeping the ratio of the visitor population to the local population at an acceptable level,
- ii. A Gradual process of nature based tourism development within the limitation of the local infrastructure,
- iii. respecting the scale, nature, character and capacity of the local physical and social environment of the area,
- iv. respecting the natural resource and landscape quality, historic and archaeological heritage, and cultural identity of the area,
- v. managing the tourist flow through, *inter alia*, staggering the tourist season and easing pressure on certain areas,
- vi. increasing awareness of the social, cultural, economic, and environmental costs and benefits of nature based tourism for the local community,
- vii. preserving the natural and cultural legacy, heritage and integrity of the area,
- viii. protecting the social and cultural norms of indigenous and local communities.

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 measures including allowing students absence two times during the academic year to enjoy nature based tourism experiences as a part of the school curricula.

## Article XXVII

### Environmental Standards and Control

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 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.

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.

Each Party shall identify, 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.

### Article XXVIII

#### Incentive Measures

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.

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 including development of a tax incentive scheme to encourage environmentally friendly nature based tourism projects, awarding seals of approval to promote and reward environmental improvement efforts, and using users' eco-taxes.

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 and disseminate best proven innovations which meet relevant national and international standards and avoid duplication. They shall encourage the tourism industry to join such schemes and promote their recognition by customers.

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.

### Article XXIX

#### 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

### Article XXX

#### Scientific and Technical cooperation

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.

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.
- ii. Encourage development of networks for the exchange of views and information between all stakeholders.
- 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.
- 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.
- v. Promote the establishment of joint research programmes.
- vi. Promote cooperation in the training of personnel and exchange of experts.
- vii. Strengthen regional mechanisms for the exchange of information.
- viii. Facilitate the transfer of nature based tourism knowledge and environmentally sound and sustainable tourism technologies.
- ix. Promote the positive aspects and eradicate the negative impacts of nature based tourism.
- 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.

- xi. Facilitate the integration of the private sector within Official Development Assistance support of nature based tourism projects.
- 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.
- 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.
- xvi. Inform each other on their environmental and social measures within nature based tourism areas and endeavour to coordinate such measures.

### Article XXXI

#### Development and Transfer of Technology

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,
- iv. promote of access to ESTs information,
- v. cooperate in developing the technical capacity among each others,
- vi. undertake fair and most favourable conditions for the transfer of ESTs,

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, 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.

## Article XXXII

### Public Awareness

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 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.

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.

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.

Parties shall provide accurate information on the safety, security, and health issues of the destination so as to enable consumers to make informed choices.

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 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.

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.

Each party, with close collaboration of the tourism industry, shall;

- i. provide environmental education and training for tourism professionals,
- 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,
- v. integrate nature based tourism into formal and informal education programmes,
- vi. employ arts to promote tourism educational activity,
- vii. seek innovative initiatives and use of modern means of communication for enhancement of public awareness,

- viii. formulate programmes to educate the young and children in nature based tourism areas,
- ix. develop the networks to exchange relevant training materials,
- x. encourage and support non-governmental organisations to contribute to nature based tourism awareness campaign,
- xi. create an inter-agency body with the participation of all stakeholders to seek the ways and means of influencing consumer behaviour,

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

### Article XXXIII

#### Tourist Safety

Each party shall strengthen security measures country-wide against tourism related crime and drugs, particularly in areas adjacent to the nature based tourism area.

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.

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.

### Article XXXIV

#### Research

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.

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. The Committee 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 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.

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.

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. 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.

#### Article XXXV Capacity Building

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.

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,
- 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,
- iv. incorporate environmental management principles into tourism training programmes,
- v. establish a training and awareness centre on the nature based tourism.

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,
- iv. improvement of domestic tourism, and stimulate entrepreneurial development and diversify tourism products,
- v. effective partnership of stakeholders and enhance dialogue amongst them.

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.

Each party shall improve its regulatory capacity and adopt an effective legislative framework to pursue sustainable nature based tourism development.

Parties shall improve institutional and administrative capacity 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.

Each party shall strengthen its institutional framework, standardise legislation, and simplify regulations to;

- i. improve management and development of nature based tourism,
- ii. strengthen the coordination between and enhance the involvement of all stakeholder, particularly concerned governmental authorities,
- iii. maintain a balance between nature based tourism and other economic activities and natural resource uses in the destination,
- iv. establishes standards for land use in tourism development, tourism facilities, management and investment in nature based tourism,
- 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,

Parties shall enhance institutional and administrative capacity on:

- i. management of the ecosystems and natural resources of nature based tourism areas,
- ii. implementing nature based tourism policies and strategies,
- iii. attracting foreign direct investment and environmentally sound technologies,
- iv. activating major group involvement and participation,
- v. ability of interaction with tourism industry,
- vi. promoting environmental protection and the preservation of cultural heritage,
- vii. formulation and application of nature based tourism action plans, based on international guidelines;
- viii. promoting capacity building among local government authorities,
- ix. addressing local community issues and strengthening the role of local authorities in the management and control of tourism,

- x. methods to promote a better understanding between stakeholders of their differentiated roles,
- xi. integration of environmental and human ecological considerations.

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.

Parties shall cooperate to establish national and regional centres for training in protection and sustainable use of nature based tourism areas and their natural and cultural heritage.

## Article XXXVI

### Financial Resources

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.

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.

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.

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;

- i. conducting Environmental Impact Assessments for all financed projects;
- ii. complied with all relevant procedures;
- iii. ascertain the environmental, economic and financial viability of the project;
- iv. make appropriate supervision arrangements to evaluate proper running of project;
- v. 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.

## Article XXXVII

### Regional Coordination

Parties shall encourage the development of regional cooperation for the promotion of nature based tourism activities including marketing of products at all levels.

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.

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.

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.

Parties, on the basis of reciprocity, shall promote regional arrangements to notify, exchange information and consult on the activities within shared nature based tourism area under their jurisdiction or control.

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.



## Article XXXVIII

### International Cooperation

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,
- v. facilitating the development of nature based tourism areas, including the joint marketing of nature based tourism,
- 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,
- viii. develop regional and international mechanism to promote capacity building activities and programmes,
- ix. establishing common approaches to incentives, environmental policies, and integrated tourism development planning.

Parties shall cooperate with relevant international organisations to support technical and financial facilities for transfer of ESTs and access to relevant information.

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.

Parties shall cooperate, with relevant international organisations, to enhance capacity building activities and programmes towards sustainable nature based tourism development through:

- 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;
- v. provide technical assistance to support sustainable tourism business development and investment.

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.

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.

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.

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.

## **Part VIII**

### **Responsibility and Liability**

#### Article XXXIX

##### State Responsibility

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.

#### Article XL

##### Restoration and Compensation

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 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.

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.

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.

## Article XLI

### Harm in Beyond Jurisdiction

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.

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.

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.

## Article XLII

### Person Responsibility

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;

- 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 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.

## **Part IX**

### **Application and Compliance**

#### **Article XLIII**

##### **Relation to other Treaties**

Parties shall endeavour to become and remain party to treaties relating to the nature based tourism and shall implement them.

#### **Article XLIV**

##### **More Stringent Measures**

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.

#### **Article XLV**

##### **Compliance Measures**

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.

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.

#### **Article XLVI**

##### **Dispute Settlements**

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.

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.

#### **Article XLVII**

##### **Conferences of the Parties**

Conference of the Parties in its annual meeting, 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.

Parties shall consider, through COPs, the establishment of “The Committee of Experts” of nature based tourism as a panel to facilitate the development of partnership between all member states and major stakeholders to address the issues relevant to the objectives of the Covenant, to assist secretariat and to provide conferences of the parties with appropriate recommendation to facilitate fulfilment of its mandate.

The Committees of Experts consist of 15 representatives of member state, considering geographical distribution, 5 representatives of local communities, 5 representatives of tourism industry, 2 representatives of NGOs and 3 expert and scientists on nature based tourism. They should be selected for a three year terms with the procedures set out by the COPs.

## **Part X**

### **Others**

#### **Article XLVIII**

##### **Amendments**

Any Party may propose amendments to this Covenant. The text of any such proposed amendment shall be submitted to Chairman of COPs.

At the request of one-third of the Parties, the Chairman shall call a special conference to consider the proposed amendment. Any amendment should be made on the consensus and will enter into force after the one hundred and twentieth day of the receipt of instruments of ratification, acceptance or approval of the two- thirds of the Parties by the Chairman of the COPs.

#### **Article XLIX**

##### **Ratification**

This Covenant shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance, or approval, shall be deposited with the Secretary-General of the United Nations.

#### **Article L**

##### **Signature and Accession**

This Covenant shall be open for signature at \_\_\_\_\_ by all States from \_\_\_\_\_ until \_\_\_\_\_.

This Covenant shall be open for accession by States from the date on which this Covenant is closed for signature. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article LI

##### Entry into the Force

This Covenant shall enter into force on the hundred and twentieth day after the deposit of the fourth-first instrument of ratification, acceptance, approval, or accession.

#### Article LII

##### Withdrawals

At any time after one year from the date on which this Covenant has entered into force for a Party that Party may withdraw from this Covenant by giving written notification to the Chairman of the COPs. Such withdrawal shall take place upon expiry of six months after the date of next COPs.

#### Article LIII

##### Depository

The Secretary-General of the United Nations shall be the Depositary of this Covenant.

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