

Sustainable Development in International Law and its Application to Ecotourism Development

Janet Blake, Ph.D.

Assistant Professor, Environmental Sciences Research Institute, Shahid Beheshti University

Abstract

Tourism represents one of the fastest growing sectors of the global economy and is a particular attractive option for developing countries as a hard-currency earner and so it is vitally important that future tourism projects are designed, planned and managed in a sustainable manner. Unfortunately, much commercial tourism has become a major threat to the ecological integrity of areas of natural significance and it is therefore imperative that truly sustainable ecotourism models are set in place as part of the national strategy for tourism development. However, simply naming tourism projects 'ecotourism' is not in itself sufficient to ensure that they are environmentally sustainable. They must meet internationally accepted criteria for fulfilling the requirements of sustainable development. For this reason, this paper begins with an examination of the legal content of the notion and the implications that its implementation has for national policy-making, especially in the area of tourism development. Following a review of the core principles of sustainable development as articulated in the Rio Declaration (1992) and related international standards, this paper then considers them in relation to ecotourism – the niche tourism identified as the most likely to fulfil the criteria of sustainable development. On the basis of this analysis, it is possible to consider the achievement of sustainable ecotourism as a development objective. A detailed analysis is then made of planning and management tools that can be used to set up and manage sustainable ecotourism projects as well as a review of appropriate and applicable regulatory mechanisms.

Keywords: Ecotourism, policy-making, regulation, sustainable development.

توسعه پایدار در حقوق بین الملل و کاربرد آن در توسعه گردشگری طبیعی

ژانت بلیک

دکترای حقوق بین الملل، استادیار پژوهشکده علوم محیطی، دانشگاه شهید بهشتی

چکیده

گردشگری یکی از بخش‌های اقتصاد جهانی است که با سرعت در حال رشد است و برای کشورهای در حال توسعه به منظور کسب درآمد جذابیت خاصی دارد. بنابراین، طراحی، برنامه‌ریزی و مدیریت پایدار طرح‌های گردشگری آینده، اهمیت حیاتی دارند. متأسفانه گردشگری تجاری برای یکپارچگی اکولوژیکی نواحی مهم طبیعی تهدیدی جدی به شمار می‌آید و از این رو، ضروری است که مدل‌های گردشگری طبیعی پایدار به عنوان بخشی از راهبرد ملی برای توسعه گردشگری ایجاد شوند. با وجود این، کافی نیست که طرح‌های ساده گردشگری را گردشگری طبیعی بنامیم، در حالی که از نظر زیست محیطی پایدار نیستند. لازم است تا این طرح‌ها به معیارهای پذیرفته شده در سطح جهانی برای رسیدن به توسعه پایدار دست یابند. به این دلیل، این مقاله محتوای قانونی این موضوع و مضامین و کاربرد آن برای سیاست‌گذاری ملی، به ویژه در حوزه توسعه گردشگری را بررسی می‌کند. این مقاله پس از مطالعه اصول اساسی توسعه پایدار در بیانیه ریو (۱۹۹۲) و معیارهای بین‌المللی مربوط به آن، رابطه آن‌ها را با گردشگری پایدار مشخص می‌سازد. این نوع گردشگری برای رسیدن به معیارهای توسعه پایدار مناسب‌ترین وضعیت را دارد. بر اساس این تحلیل، می‌توان دستیابی به توسعه پایدار را به عنوان هدف توسعه به شمار آورد. پس از آن، ابزارهای مدیریت و برنامه‌ریزی به دقت تحلیل شده‌اند که می‌تواند در ارائه و مدیریت طرح‌های گردشگری طبیعی پایدار و نیز بررسی سازوکارهای مناسب و عملی، در زمینه قانون‌گذاری مؤثر واقع شود.

کلیدواژه‌ها: گردشگری طبیعی، سیاست‌گذاری، قانون‌گذاری، توسعه پایدار.

The World Summit on Sustainable Development (WSSD)¹ identified ecotourism in 2002 as one of main programme areas in which sustainable development can be achieved through the preservation of biological diversity. It called on Governments to:

“Promote sustainable tourism development and eco-tourism ... in order to increase the benefits from tourism resources for the population in the host communities while maintaining the cultural and environmental integrity of the host communities and enhancing the protection of ecologically sensitive areas and natural heritage.”²

Caution should be exercised, however, since ‘ecotourism’ has become a rather over-used and often abused term within the tourism industry, exploited as a marketing gimmick rather than a cohesive notion. (Wight, 1993) It is therefore important to return to the notion of sustainable development and measure ecotourism projects against the broader concept of sustainable tourism. This then will allow us to judge tourism development projects against internationally accepted standards of sustainability (Birnie and Boyle, 2001) and consider what this implies in terms of obligations placed on governments.

Since tourism represents one of the fastest growing sectors of the global economy and is a particularly attractive option for developing countries as a hard-currency earner, it is vitally important that future tourism projects are designed, planned and managed sustainably. Unfortunately, the vast majority of the mainstream tourism sector regards the natural environment as a cheaply available resource to be exploited for private profit. (Buckley, 2002a) Much commercial tourism has become a major threat to the ecological integrity of many protected areas and other areas of natural significance. It is therefore imperative that truly sustainable ecotourism models are set in place as part of the national strategy for tourism development in order to protect such areas.

The first formal international articulation of the notion of ‘sustainable development’ was in the 1987 Brundtland Report³ and its most comprehensive expression was in the 1992 Rio Declaration.⁴ This international instrument sets out the objectives and principles underlying sustainable development while the plan for their implementation was set out in Agenda 21 (1992).

The Declaration forms part of the process of codification and progressive development of international environmental law and can be regarded as setting out norms of international environmental law. Its language is generally obligatory and it may be viewed as having provided endorsement for sustainable development as a policy objective on both national and international levels.⁵ It comprises both substantive elements (Principles 3 to 8) and procedural elements (Principles 10 to 17).

The main substantive elements of sustainable development as follows:

- integration of the environment with the economy;
- intra- and inter-generational equity (meeting the basic needs of the poor now and in future generations);
- environmental protection whereby any disruption to biological diversity or the regenerative capacity of nature should be avoided;
- sustainable utilisation of natural resources; and
- participation of stakeholders in decision-making processes.

All of these elements are of direct relevance to this paper. The implementation of sustainable development requires Governments to engage directly with the notion by integrating it as a norm in public decision-making and ensuring the adoption of appropriate policies. This can affect government activities in a wide range of areas (such as transport, health care, environmental protection etc.) and including tourism development. This then has implications for the infrastructural organisation of

management, regulation and administrative measures.

In assessing its implementation on the national level, one should take account of the following questions:

- How well has the Government understood the concept of sustainable development within the national context?
- What is the pattern of institutional engagement and what is its legal or constitutional basis?
- How is sustainable development measured or monitored and what benchmarks have been established to assess its implementation?
- How seriously is the participatory dimension of sustainable development taken in policy-making?
- What international initiatives have been taken?
- How seriously is the challenge of modifying existing patterns of production and consumption being taken?

In this way, the notion of *sustainable ecotourism* (see Sharpley, 2001) potentially places more stringent requirements on planners and policy-makers than would ecotourism in the narrow sense (i.e. tourism that involves appreciation of natural beauty) that it is often understood.

Sustainable Development as a Legal Norm

Legal norms in international law are usually taken to mean the general principles and rules that govern the conduct of states in a legally binding manner. The question here, then, is whether the notion of sustainable development satisfies the requirements of a legally binding norm. If it does not, does it have some other normative character that can have an influence on international law?

An influential case in this regard heard by the International Court of Justice (ICJ) was the *Gabčíkovo-Nagymaros Dam* case (Hungary/Slovakia) that referred to the notion of sustainable development in the Court's decision. (Birnie and Boyle, 2001) This case concerned a hydroelectric dam project initially agreed

Hungary suspended work on the dam in 1989 owing to serious concerns about adverse environmental effects. Slovakia, however, unilaterally embarked on a new version of the project in 1999 that dramatically reduced the amount of water in the Danube. Hungary protested and, following EU mediation, both countries agreed (1993) to take their dispute before the ICJ.

The court's majority judgment makes reference to "new norms and new standards" of international law in relation to the notion of sustainable development.⁶ This is a cautious and rather ambiguous reference that does not suggest these are binding rules and so leaves the judicial status of the notion unclear. However, in a Minority Opinion, the Vice-President of the Court (Weeramantry) refers to sustainable development as "a principle with normative value" that derives, in part, from its wide and general acceptance by the global community.⁷

Thus sustainable development is not (yet) a legally binding norm as set out in the ICJ⁸ but it does exemplify another kind of normativity that is of potential value in dealing with the concepts of international environmental law and conflicts between established rules and principles. It can serve as a convenient 'umbrella' with which to label a set of related norms and as a rule for decision that can guide judges. Such legal concepts can have immense influence (regardless of their status as rules or otherwise) when they are used by judges in this way. Equally so, if they are employed by States when negotiating with other States or internally with their own governmental apparatus as a means of reconciling conflicting principles.

Although international law does not as yet require development to be sustainable, it does require that decisions relating to development are the outcome of a *process* that promotes sustainable development.⁹ This thus places an obligation on governments to take such measures domestically as: the encouragement of public participation and integration

decision-making; conducting environmental impact assessments; and taking account of intra- and inter-generational equity.

Tourism and the Environment

The relationship between tourism and the environment is one of complex interaction. On the one hand, environmental quality is essential to tourism while, on the other hand, many activities associated with tourism can be detrimental to the environment. Many such negative impacts are related to general infrastructure construction, such as hotels, airports and other transport links, tourism resorts, golf courses and marinas.

In its Final Report, the World Ecotourism Summit (2002) underlined the importance of proper tourism planning, development and management in order to avoid serious environmental degradation:

“Wherever and whenever tourism in natural and rural areas is not properly planned, developed and managed, it contributes to the deterioration of natural landscapes, threats to wildlife and biodiversity, marine and coastal pollution, poor water quality, poverty, displacement of indigenous and local communities, and erosion of cultural traditions.”(Preamble)

A recent joint study undertaken by UNEP and Conservation International (CI/UNEP, 2003) notes that tourism rose by over 100 percent during between 1990 and 2000 in the world’s “biodiversity hotspots.”¹⁰ There has been an increase of nearly 500 percent in South Africa and over 300 percent in Nicaragua and El Salvador. It should be remembered that some components of biodiversity are significant tourist attractions, such as bears (in Alaska), whales, forests, wildflowers, birds, coral reefs and fish. These attract tourists to various destinations worldwide (Buckley, 2002b) while particular “icon species” (such as lions or gorillas) can contribute as much as 1 billion USD to a country’s tourism income. Furthermore, many of the tourism destinations with important

countries, some even among the world’s least developed countries (LCDs). For this reason, ensuring the sustainability of any tourism associated with such attractions is essential since the temptation for Governments to benefit from tourism dollars can be very strong for such countries.

Tourism has the potential for both negative and beneficial impacts on the environment. One objective, therefore, of developing sustainable tourism is to minimise the former and maximise the latter. Negative impacts include building new infrastructures (such as accommodation), vegetation clearance, wildlife disturbance, the accidental introduction of pathogens and weeds into the ecosystem and water, noise or light pollution.¹¹ Furthermore, the traditional lifestyles of local communities and associated conservation practices may be disrupted by tourism.

Positive impacts of tourism are less commonly found in practice but have great potential if policies such as those proposed in this paper are employed. These include providing revenue to assist in conservation as well as replacing higher impact industries (such as logging) with tourism that can be relatively low impact if well-managed. Tourists can also provide political and social incentive as well as the economic means to encourage conservation of biodiversity.

In order for the positive effects to be maximised, effective legal frameworks are required to ensure that negative environmental impacts of the location, design and operation of tourism projects are minimised. Furthermore, income from ecotourism must be channelled towards conserving biodiversity and mechanisms must be put in place to build capacity in local communities to allow for sustainable tourism development.

When considering the sustainability of any tourism project and its ‘environmental’ impacts, it is not only the physical environment that is important. One also needs to take account of the social and cultural

(Craik, 1995) and the relative power of the local community in its interactions with tourists and tourism. (Cohen, 2003) In view of the significance of traditional ways of life and associated cultural practices to sustainable resource use and the conservation of sensitive ecosystems (Blake, 2003) the socio-cultural impacts of tourism also relate directly to ecosystem preservation.

Making Ecotourism Sustainable

Of all potential models of tourism development, ecotourism appears to offer the best possibility of fulfilling the requirements of sustainable development. However, it is still necessary for certain planning, policy-making and management requirements to be taken account of. This can be achieved, in part, by the tourism contributing actively to the conservation of the natural heritage as well as involving local communities in planning, development and operation of tourism projects. Tourism can also play a part by interpreting the natural heritage of the destination to both visitors and the host community, educating them about the value of local biodiversity.

However, to achieve this, ecotourism must be developed in keeping both with the principles of sustainable development as well as the more specifically "eco" objectives of ecotourism. It is therefore essential that baseline measures of biodiversity in a destination earmarked for tourism development should be established and that the impact of ecotourism initiatives is subsequently carefully monitored against these. Without such baseline measures, any monitoring and evaluation of an ecotourism project will be greatly weakened.

One can also identify certain specific mechanisms that can help to reduce the negative impacts of tourism on biodiversity and the natural environment in general. These include the following approaches. The use of environmental impact assessments (EIAs) before designing a new tourism development along

zoning in conservation areas and placing controls of land-use planning and development. Instituting systems for park monitoring and management. Use of minimal-impact design, construction and operation of tourism facilities. Establishing public education programmes aimed at both tourists and local people. Establishing environmental guidelines and accreditation systems for tour operators.

Local Consultation and Participation

In this context, we should understand 'development' to mean a process of positive change occurring over time and resulting in improved living standards for the general population. For this development to prove sustainable, it must then be holistic, give regard to the needs of future generations (especially in terms of resources) and be equitable in this generation. It must also be developed within a fully participatory framework that involves consultation at all stages with the local community and it must be in keeping with local traditional culture and practices. The adoption of participatory planning mechanisms will help to minimise or even avoid potential negative impacts on the environment as well as ensuring local empowerment and capacity building.

The African experience of ecotourism, however, suggests that this is not always easy to achieve. Ecotourism in the African context has been accused of being the "ecological branch of globalisation," imposing an inappropriate 'Western' conservation ethic. (Lepp, 2002 at p.64) Thus, ecotourism uses the promise of rural development to persuade underdeveloped countries to conserve their natural environment in ways that may be detrimental to the way of life and culture of local people. This may result in a transfer of the natural resources from the local people to tourists and Africans have been alienated from these natural resources by this process.¹² It may even result in the conservation values of ecotourism development placing off-limits

subsistence needs.

Here, then, we have a direct example of where the requirement for sustainable human development is being ignored in order to satisfy the criterion of environmental sustainability. It should be noted that, in contrast to the Western view of the environment as a sanctuary to be preserved, local and indigenous populations often see their environment to be a provider of their subsistence needs (food, water, building materials, medicines etc.) and their traditional cultural practices.

Ecotourism, then, must also empower local people and foster sustainable livelihoods if it is to fulfil the promise of economic opportunity for the region. The establishment of democratic processes based on local participation and consensus in the planned tourism project are necessary to achieving this. Without this level of local democratic participation, one can argue no tourism project can be truly sustainable. This is an important issue for the establishment of ecotourism projects in developing countries since the objectives of Governments to increase hard currency earnings do not always coincide with the needs of local people.

Ecotourism in Protected Areas

IUCN defines a 'protected area' as an area of land or sea explicitly dedicated to the protection and maintenance of biological diversity and of any natural and associated cultural resources that is managed through legal and other effective means. (IUCN, 1994) IUCN recognises six categories of protected areas under this broad definition that depend on the level of protection afforded and level of use. The levels of protection range from strict protection that allows for little public access through areas where recreation is encouraged but resource development isn't to multiple use areas where resource utilisation, recreation and nature conservation are all accepted. Protected areas may also be designated in other ways,

Heritage Convention of UNESCO¹³ or Biosphere Reserves under the Man and Biosphere programme of UNESCO¹⁴.

Many publicly-owned protected areas have management plans that specify what level of tourism and recreational development is allowed. It is possible that management plans such as these are developed after consultation with other interested parties, including the traditional owners or custodians of the land. The aim of such management plans is to balance protection of the natural environment with the provision of access to the public while attempting to avoid adverse impacts on that environment. The measures taken to achieve this balance may include the acquisition of extra land, the construction of a visitor infrastructure (at a distance from particularly sensitive areas) and establishing partnerships with tour operators.

The provision of a publicly-funded infrastructure (such as car parks, toilets, camping grounds, picnic areas, walking tracks etc.) can play a role in protecting particularly sensitive areas by encouraging visitors to keep away from them. The extensive publicly-funded infrastructure put in place in the Cairngorm Mountain range in the central Highlands of Scotland is a good example of this where this infrastructure effectively siphons a large number of visitors into less-sensitive areas of an extremely important and unspoilt wilderness area. A similar approach to handling large visitor numbers is used in some high-profile archaeological sites such as Troy in Northwest Turkey (modern name Truva) that is designed to channel visitors away from sensitive areas of the site while still allowing sufficient access. (Blake, 1996)

Public/Private Partnerships

According to the World Ecotourism Summit (2002), public/private partnerships are a key facilitating mechanism for achieving truly eco-friendly tourism. Four main types of public/private partnerships of

identified by Buckley (2002a). These are (1) private tourism on private land, (2) public tourism on private land, (3) public tourism on public land and (4) private tourism on public land.

The first type is well illustrated by the private game reserves and safari lodges of Southern Africa where biodiversity is a major tourist attraction. A good example is the Phinda Private Game Reserve in South Africa owned by Conservation Corporation Africa (CCA) situated adjacent to a World Heritage site, the St. Lucia Wetlands. Here, CCA have built four up-market tourist game lodges that generate significant revenue (part of which is used for nature conservation) while providing low-impact tourism. The second type is very uncommon. Government-funded incentive schemes to encourage the conservation of biodiversity on private land can also be seen as a form of public/private partnership.

The third type is a frequently operated system whereby the management agencies of protected areas charge fees to public visitors and tour operators, providing recreation as a public service rather than a commercial venture. It is an increasingly important source of revenue to meet the costs of managing and conserving the natural environment. The fourth is the most common type where the conservation skills of protected area agencies are combined with the business skills of commercial tour operators. A positive example of such a partnership would be allowing small-scale ecotours into protected areas. This provides for a commercial opportunity but also allows for close control by the management agency.

However, greatly increased demand for outdoor recreation, including nature conservation tourism, and the large increase in visitor numbers is placing a great strain on the public resources allocated to the management of visitors, land, water and biological resources. For this reason, fostering good public/private partnerships in this area is becoming increasingly important.

In the previous section, three broad approaches that are important to achieving sustainable ecotourism have been reviewed: local participation and consultation, a balance between conservation and access with regard to protected areas and the development of public/private partnerships. A further broad point to make is that Governments should ensure that adequate sources of funding are available for natural areas in order to protect vulnerable ecosystems as well as to allow for the monitoring of social and environmental impacts of tourism development. They may also wish to consider transferring the tenure or management of public lands from extractive or intensive productive sectors of the economy (such as forestry or quarrying) to tourism combined with conservation.

In terms of policy-making, it is necessary to formulate national, regional and local tourism policies and development strategies that are consistent with the overall objectives of sustainable development. This will involve *inter alia* ensuring that the co-ordination of all the relevant public institutions at national and local levels (see section below), opening up the decision-making process to a broader range of stakeholders and establishing certain administrative and regulatory measures and planning and management approaches. These have been identified on the basis of the foregoing analysis of the requirements of sustainability in relation to ecotourism development.

Administrative and regulatory issues

It is now accepted that ecotourism has the potential to be very valuable in preserving biological diversity if it is wisely developed and managed. (WSSD, 2003) In order to achieve this, there is a requirement for government action, the mobilisation of necessary financial resources and broad participation from the scientific and NGO and local communities.

For example, ecotourism cuts across many different

environmental protection, transport, water provision, building planning and regulation. For truly sustainable tourism to be developed, some form of umbrella body that takes in all these activities is needed. This then raises the question in relation to Iran whether the recently established Tourism Organisation (that incorporates the Cultural Heritage Organisation) is best able to answer these requirements.

In order to achieve sustainable tourism development, it is therefore necessary to establish 'joined-up' Government with good co-operation across different Ministries. (WSSD, 2003) However, the roles of government departments are often unclear and there is traditionally very little communication between different organs of Government and this makes it difficult to achieve. There is frequently, also, lack of a clear understanding at senior levels of Government as to the goals, policies and objectives of sustainable development.

In regions where ecotourism is in the early stages of development, such as the Asia-Pacific region, regulation is frequently non-existent or, if it exists, weakly enforced. Generally speaking, a variety of regulatory mechanisms need to be developed that include industry codes of conduct, guidelines and legislation. There is also a serious problem with the enforcement of those laws and regulations that exist. For this reason, it may well be recommended that Governments start with 'soft' measures requiring voluntary adherence – such as guidelines and codes of conduct – and move slowly towards a more regulated regime. Key approaches for evaluating the sustainability of tourism development are certification and labelling schemes. Good public/private co-operation is essential for running such schemes effectively.

Generally speaking, there is also a serious lack of essential information on which to base government policy in relation to establishing sustainable ecotourism. Key elements of information that are

analysis, the development of resource inventories and baseline data, the creation of appropriate tools for the planning and management of resources and visitors, impact studies etc. Work is also needed on defining the criteria for evaluation and monitoring of sustainable tourism projects.

Planning and Management Approaches

There is a lack of successful ecotourism models for Governments to follow in the area of planning and policy-making. These should include practical planning and management tools as well as mechanisms for local consultation and participation at all stages of the process. Even though different countries may have very different experiences, there is still the need for basic guidelines based on best practices that can be adapted to each country's situation. The World Tourism Organization has recently attempted to address this lack in publications setting out Best Practice and the use of indicators in this area. (WTO, 2001 and 2003).

It is important that appropriate planning and management tools be developed that can ensure the sustainability of ecotourism projects. These include inventories of tourism assets along with research on biodiversity and endangered species and the threats they face. Such inventories should be an integral part of ecotourism planning, policy development and management. Furthermore, there are certain specific approaches that should be incorporated into tourism planning and management. These include conducting environmental impact assessments and determining the carrying capacity of protected areas. Land-use planning, pricing policies, interpretation tools, guidelines and codes can also be effective. The promotion of sustainable transportation (low-emission or emission-free vehicles, traffic speed regulations, cycle rental) should also be considered in relation to planning sustainable ecotourism projects.

Zoning is a powerful conservation approach in

or no access, low-to-medium impact areas where access is allowed but controlled. Buffer areas should be created around the zone and visitor facilities built in peripheral areas. Protected areas must be established under special regulations that should be strictly enforced. Effective monitoring of tourism development in ecologically sensitive areas must be carried out on the basis of well-defined targets over a given time period (e.g. tourist numbers, water purification, local employment etc.). Furthermore, monitoring should include socio-cultural factors (such as amenities and health provision) as well as economic indicators when measuring the benefits to the local community.

Other tools for managing the environmental impacts of tourism include controlling the carrying capacity of an area (even by limiting the number of beds available in a destination) and use-intensity management tools, such as limiting group size and frequency. Demand management of visitors can also be used as a means of controlling the type, numbers, concentration and spread of visitors in tourism destinations. Certain parts of the destination area should be designated as 'nodes' or compact tourism destinations in which visitors are gathered to create critical mass - necessary to the economic sustainability of any tourism project - from which tourists then visit other areas. In this way, visitor spread is encouraged. Specific tools that can be used for visitor management education, information, infrastructure development and pricing policies.

At the international level, intergovernmental organisations, development agencies and financial institutions should also undertake certain actions and programmes. These include assisting in the development of policy and planning guidelines and frameworks for the evaluation of sustainable tourism and ecotourism, particularly their relationship with the conservation of biodiversity. They should also work to facilitate the transfer of know-how and

development and management, especially to developing and less developed countries. The continuing work in developing best practice and internationally-agreed guidelines and codes of conduct for ecotourism and sustainable tourism development is also important and can be aided and encouraged by international bodies.

Notes

1. UN Summit on Sustainable Development (Johannesburg, September 2002).
2. *Final Declaration* of UN Summit on Sustainable Development (Johannesburg, September 2002) at Paragraph 41.
3. Of the World Commission on Environment and Development. It was defined at p.43 as: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."
4. *Final Declaration* of the UN Conference on Environment and Development (Rio de Janeiro, 1992).
5. The Declaration represents a compromise between the interests of developed and developing States and, given its 'package deal' character, must be taken as a whole. Thus it reflects a real international consensus of States on the need for generally agreed norms of international environmental protection.
6. "Owing to new scientific insights and to a growing awareness of the risks for mankind – for present and future generations – of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms need to be taken into consideration, and such new standards given new weight, not only when states contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development." *Gabčíkovo-Nagymaros Dam case ICJ Reports* (1993) at para.141.
7. "The principle of sustainable development is thus part of modern international law by reason not only of its inescapable logical necessity, but also by reason of its wide and general acceptance by the global community."
8. Set out in Art.38 on the Sources of Law. Its meaning is not sufficiently clear (e.g. it obviously does not mean that any developments that cannot be indefinitely sustainable such as oil extraction are therefore a violation of international law). It also has a large number of different formulations in different areas.
9. A significant decision of the International Court of Justice was in the case *Concerning the Gabčíkovo-Nagymaros Dam* [(1997) *ICJ Reports*, 7 at para.140] in which the court referred to "this need to reconcile economic development with protection of the environment [which] is aptly expressed in the concept of sustainable development."

- endemic plant species and 35 per cent of all known endemic species of birds, mammals, reptiles and amphibians.
11. The classic case of light pollution affecting a rare species is the lights from seaside hotels on the Mediterranean coast of Turkey that confuse giant turtles and prevent them from laying their eggs in the sand.
 12. It has been estimated that the value of one maned lion in Amboseli National Park (Kenya) in terms of tourism-generated foreign exchange is \$515,000 USD or 30,000 head of Masai cattle.
 13. Convention on the Protection of the World Cultural and Natural Heritage, 16 Nov.1972. In Australia, there are 13 world heritage sites situated within protected areas.
 14. Established by international agreement in 1976.

References

Main Primary Sources

- UN Conference on the Human Environment (UNCHE) (Stockholm, 1972) *Declaration*
- UNESCO Convention on the Protection of the World Cultural and Natural Heritage (Paris, November 1972) and the related *Operational Guidelines*
- International union for the Conservation of Nature (IUCN) *World Charter for Nature* (IUCN, 1982)
- UNEP *Goals and Principles of Environmental Impact Assessment* (1987)
- UN Conference on Environment and Development (UNCED) (Rio de Janeiro, 1992) *Declaration and Agenda 21 – Plan of Implementation*
- UN Convention on Biological Diversity (1992).
- UN General Assembly Resolution 47/191 (1992): *Commission on Sustainable Development*
- World Commission on Culture and Development (WCCD)/(Paris, 1995) *International Agenda and Final Report*
- Intergovernmental Conference on Cultural Policies for Development (Stockholm, 1998) *Declaration*
- Draft International Agreement* between World Tourism Organization and ECOSOC (July 2000).
- UN Summit on Sustainable Development (Johannesburg, 2002) *Final Declaration*

Blake, J. (1996). *The Protection of Underwater Archaeological Sites and Related Artefacts, With Special Reference to Turkey*. PhD Thesis, University of Dundee, UK. 530 pp.

Birnie, P. and Boyle, A. (1995) *Basic Documents on International Law and the Environment*. Oxford University Press, Oxford. 688 pp.

Birnie, P. and Boyle, A. (2002). *International Law and the Environment*. 2nd Edition. Oxford University Press, Oxford. 798 pp.

Boyle, A and Freeman, D.(2001). *International Law and Sustainable Development* Oxford University Press, UK. 377 pp.

Conservation International and UNEP(2003). *Tourism and Biodiversity: Mapping Tourism's Global Footprint*. Conservation International/UNEP. Nairobi.

Fennell, D.A.(1999). *Ecotourism: An Introduction* Routledge, UK.

Page, S. and Dowling, R.K.(2002). *Ecotourism*. Pearson Education Ltd., UK. 338 pp.

Sands, P. (2003). *Principles of International Environmental Law*. 2nd Edition. Cambridge University Press. Cambridge. 1126 pp.

Weaver, D.(1998). *Ecotourism in the Less Developed World* Wallingford, CAB International.

World Resources Institute (1992). *Global Biodiversity Strategy*. IUCN/UNEP, Washington DC.

WTO (2001). *A Practical Guide to the Development and Use of Indicators in Sustainable Tourism*. World Tourism Organization, Madrid.

WTO (2003). *Sustainable Development of Ecotourism – A Compilation of Good Practices*. World Tourism Organization, Madrid.

Journal Articles

Blake, J. (2003). The importance and legal significance of the role of cultural diversity in the preservation of biological diversity. *Environmental Sciences*, 1(1): 15-26.

Buckley, R. (2002a). Private and public partnerships between tourism and protected areas: the Australian situation. *Journal of Tourism Studies*, 13(1): 26-38.

- and South. *Tourism Recreation Research*, 27(1): 43-51.
- Craik, J. (1995). Are there cultural limits to tourism?. *Journal of Sustainable Tourism*, 3(2): 87-90.
- Cohen, E. (2003). Contemporary tourism and the host community in less developed areas. *Tourism Recreation Research*, 28(1): 1-9.
- Ingram, C.D. and Durst, P. (1989). Nature-oriented tour operators: travel to developing countries. *Journal of Travel Research*, 28(4): 11-15.
- Lepp, A. (2002). Globalization, ecotourism and the promise of development in sub-Saharan Africa. *Tourism Recreation Research*, 27(1): 61-68.
- McKercher, B. (1993). Some fundamental truths about tourism: understanding tourism's social and environmental impacts. *Journal of Sustainable Tourism*, 1(1): 6-16.
- Sharpley, R. (2002). Tourism and sustainable development: exploring the theoretical divide. *Journal of Sustainable Tourism*, 2(4): 1-15.
- Wight, A.P.(1993). Ecotourism: ethics or eco-sell?. *Journal of Travel Research*, 31(3): 3-9.

