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Tourism and Environmental Protection

O.B. Romanova*

The most significant problems in the development of social relations are those of interaction between modern society and the environment. This is reflected by the importance that the Soviet government places upon the contemporary problems of the environment which are related to outdoor recreation, especially tourism. The environmental factor is an essential component in the improvement of the material and cultural state of the people and the harmonious development of the individual and society.

The fundamental problem in question is the opposition of two important goals of our society: first, the satisfaction of the needs of the population; second, the fundamental need to pass on to following generations an environment that will satisfy their essential needs.

The current state of tourism and recreation is characterized by the uninterrupted growth of both planned and unplanned tourism that brings about negative ecological consequences. For example, from 1965 through 1985, the number of available spaces at campsites increased ten-fold, while the number of tourists grew by almost fifty-fold. The number of tourists per year is calculated at more than sixty million.

Natural resources are "consumed" by the tourist industry — wooded and hilly areas are used for hiking; rivers and lakes are used for boating; and game preserves are used for hunting. Moreover, tourists visit a wide variety of historical-cultural monuments, as well as natural landscapes and wonders. The protection of natural resources and their legitimate uses cannot be regarded separately. It is obvious that the natural re-

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sources available for tourism are limited and shrinking. The development of legal regulation of the tourist industry in general is therefore a necessary condition of preserving recreational resources.

Such a perception of the problem has not found broad support. Issues of environmental protection, as they relate to tourist activities, are given little attention. The small amount of research on these issues bears witness to this fact. Environmental protection is traditionally aimed at preserving natural resources for tourism in specially designated areas, mainly national parks.[1] This area will attract greater attention as the negative consequences of the utilization of specially protected nature sites for tourist purposes become more obvious.

The aforementioned aspects, while very important, only encompass the broad legal problems and issues of environmental protection that are related to the organization and utilization of nature sites for tourist purposes. Specialized literature that deals with tourist nature use, is quite extensive. Tourist nature use is the utilization of natural resources dealing with the physical presence of citizens outdoors (on the land, water, or in the forests), as well as the process of consumption and gathering of water and plants, taking into account cultural-aesthetic, historical, health-oriented, and other beneficial qualities of natural sites. The present and real possibility of the development of sharp conflicts in the process of tourist nature use emphasizes the necessity for further research of the issues of legal regulation of the tourist industry.

The desire to actively communicate with nature is a clearly expressed tendency of modern times. One of the most popular forms of such communication is tourism, which includes recreation, promoting better health and human physical development, combining recreation with educational goals, and cultural development.

It is essential that tourist nature use, primarily for educational purposes, be permitted only in protected territories such as national nature parks. This opinion is affirmed by the

1. L. ASTANIN & K. BLAGOSKLONOV, CONSERVATION OF NATURE 132-33 (1983) [hereinafter ASTANIN & BLAGOSKLONOV].

social goals of environmental protection as reflected in the statute, National State Nature Parks, affirmed by *Gosplan*[2] and the State Committee of the Council of Ministers of the USSR for Science and Technology (CMST).[3]

The demand for limiting the use of the protected territory of national nature parks often takes a somewhat prohibitive form, and the possibility for using natural areas for organized regulated tourism is completely denied. Evidence of this is seen in the Resolution of the Council of Ministers of Latvia (SSR), a statute regulating specially protected nature sites on the territory of the Baltic Republics. The statute states that recreation and tourism in specially protected sites is completely forbidden or subordinate to the protection of unique ecological areas.

One cannot overlook the beneficial nature-preserving activity of pertinent organizations and tourists themselves. Environmental protection activities by government bodies enjoy wide public support. For example, an observation indicates conformance with environmental legislation: 404 raids were conducted; 15 acts of violations of forest laws were recorded; 302 trails were improved; 6 camp sites were created; 150 path markers were placed; 9 garbage heaps were removed from the park territory; 1,435 people were trained as public inspectors;[4] 2 agreements with other organizations on issues of environmental protection were passed; 65 nature protection excursions were developed;[5] 3 new tourist trails were established.[6]

The negative consequences of tourist activity are also well known. Examples of such consequences are: the illegal cutting or damaging of trees; the destruction or damage to forests as a

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2. G.P. VANDEN BERG, *Agencies of State Administration in the USSR: Their Statutes and Their Powers*, in LAW AND THE GORBACHEV ERA 11 (1988). "Gosplan is the Central Agency of Economic Administration which carries total and complete responsibility for securing an efficient and balanced development of the uniform economic complex."

3. *Id.*

4. Bull. of Regs. of the Ministries and Agencies, Moscow, No. 12, at 21 (1982) [hereinafter Bull. of Regs.].

5. Bull. Verkh. Suda RSFSR, SP 1, 1987, No. 25, at 319 (1987).

6. *Materials of the Implementation of the Moscow Oblast Council for Tourism and Excursions*. ANN. REP. OF CONSERVATION WORK (1987).

result of careless handling of fire; violations of fire regulations in forests; the unauthorized gathering of fruits, nuts, mushrooms, and berries on territories where such activities are either prohibited or licensed; the destruction or damage of forest regulation signs; the collection of fruits, nuts, and berries at unauthorized times; and littering. From the aforementioned, one can understand the necessity of focusing on combining the interests of conservation with strictly limited tourism in specially protected territories, particularly national parks.

There seems to be no justification for curtailing recreational tourist activity in order to achieve the goals of nature conservation. Reducing recreational activity does not correspond with the goals sought to be achieved through the creation of national parks. These goals are defined in standard statutes on national state nature parks. The statutes provide for: a) preservation of landscapes, historical, and cultural monuments for recreational, educational, and scientific goals; (b) creation of conditions for tourism and recreation; (c) development and implementation of scientific methods of conservation of natural sites under conditions of recreational use.[7]

Scientists who investigate the problems of conservation and tourist activity consider the broadening of the network of national parks as a promising means for the development of internal tourism.[8] This concept must be built upon specific conditions, taking into consideration the regulations and the special limitations of the nature sites. Visits to the nature sites are allowed not only for educational purposes, but also for active recreational purposes. One must consider the limitations of the nature sites, the extent of which are defined by the goals of environmental protection and the uniqueness of the territory. One such limitation is the authorized visitation

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7. *See* Bull. of Regs., *supra* note 4, at 21; *see also Main Direction of Economic and Social Development of 1986-1990 and the Period up to the Year 2000*, Materials of the XXVII Congress of the CPSU 153 (1986). This notes the necessity to "broaden the network of national parks and improve their services for further development of tourism and recreation." *Id.*

8. ASTANIN & BLAGOSKLONOV, supra note 1 at, 132-33.

of limited parts of the national parks.[9]

Multifunctional sites in nature preserves (national parks and territories of protected landscape) used for these purposes are, in fact, preserves for the conservation and rational utilization of natural resources. Therefore, it is necessary to establish the following environmental protection regulations for these territories: a) protection of nature from littering, refuse, and any other damage; b) preservation and improvement of the aesthetic quality of the landscape, especially the careful treatment of the elements, so that the landscape structure represents the visual uniqueness of the landscape; c) special protection and limitation of economic use of those parts of the landscape which are of great value for tourists; d) preservation of observation points; e) preservation of places for short stays along highways.

There are two categories of tourism which are accepted. The first, planned or organized tourism, is travel that is arranged according to excursions and routes prepared by tourist organizations.[10] The second, unplanned or unorganized tourism, is travel that takes place along routes developed by the tourists themselves and is based upon principles of self-service.[11]

Currently, unorganized tourism is of the greatest interest, both from the perspective of the further development of tourism and environmental protection. One aspect of unorganized tourism is that it is more mobile and less limited to outdoor activities. The absence of an organized network of permanent campsites results in the generation of unorganized places of recreation. From year to year, the number of such places increases and simultaneously becomes worse, leading to a decrease in the tourist resources.

The rise in the popularity of tourism, particularly the increase in the number of unorganized tourists, creates an urgent task that must be faced in the near future—the creation of conditions that will improve the territory that is specially

9. *Id.* at 133.
10. *Id.* at 132.
11. *Id.*

reserved for tourist activities. This is a necessity from the perspective of environmental protection, conservation of resources for tourism, and the organization of the process of tourism itself.

The uniting of separate tourist units into large specialized tourist territories brought about a new method for the creation of territories designated for tourist activities. Reservation of territory for tourism requires land that is equipped according to the needs of specific uses. The land is taken for such use in accordance with due process of law.[12] These territories must all be differentiated by function. These properties can be used for campsites along tourist routes; permanent campsites; tourist and educational paths; observation points; maps of natural and historic areas and facilities; and specialized sites for environmental protection education.

The goal for the near future should be to begin a detailed investigation of protected territories which can be used for the organization of active recreation (tourism), and the reserve fund of territories to be used for the organization and conduct of tourist activities. For each of the territories, it is necessary to develop a plan of functional zoning, protective regulations, and acceptable utilization.

The major prerequisites for the completion of the stated task are: a) the recognition of the social value of tourism as an activity; b) the recognition of the fact that tourism is intrinsically linked to the utilization of natural resources and, because of its distinctiveness and effect on nature, requires special territories; and c) the recognition of the real limitations of the natural resources for the organization and conduct of tourist activities.

The aforementioned provide a basis for the further development of a uniform legal concept of the reserved territories for tourism, the clarification of their functions and goals, and the interrelationship and difference of the tasks and functions of potential kinds of tourist territories. It is necessary to re-

12. Fundamental Principles of Land Legislation of USSR and Union Republics, Ved. Verkh. Sov. SSSR art. 28, No. 51, item 485 (1968), *amended by* No. 51, item 771 (1977).

member that the tasks must be of a complex character and that they must be future-oriented, stable, and permanent. The analysis of problems of preservation and use of the environment in tourism confirms the fact that this problem is real and vital, and its resolution urgent.