

Commons, People and Tourism

EQUATIONS, May 2012¹

Tourism is a highly resource centric and resource heavy industry that banks on the availability of land, water and natural resources for providing the tourist experience. Unregulated tourism and diversion of natural resources for meeting tourism demands has caused negative impacts on the environment. Inevitably, local communities that are dependent for their livelihoods on commonly shared natural resources also experience hardships from depletion of the commons.

The case of the Himalayan Ski Village Resort in Kullu district of Himachal Pradesh gives a glimpse into the nature of communities' struggles against tourism led privatisation of commons.

"The \$300 million Himalayan Ski Village project financed by Alfred Ford, the great-grandson of the US automaker, Henry Ford was stopped by local communities and Him Niti Campaign, a local group. The Himalayan Ski Village (HSV) project included the construction of hotels, restaurants, cafes, entertainment and shopping areas, as well as apartments and villas in Kullu district of Himachal Pradesh. Initially the project's built up area was spread over 133 acres and required 6000 acres of pristine forests and mountain areas for skiing activities, making a storage house and support base (for heli pad and gas station) near Beas River (the area has not reduced as per the report of the High powered committee –it is at 93.1 ha or 223 acres). The developers had proposed to divert 14.7 Ha of forest land for the project. Local communities' organizations and NGOs opposed the project due to the following reasons. Its requirements for large scale deforestation and increased risk of floods and siltation in dams and farms downstream; impact on flow of natural resources like medicinal herbs, fodder, fuel wood to the villages located down the slopes, disrupt rights and livelihoods of nomadic communities by taking away their grazing rights in high altitude pastures, pollution of water sources and decreased water availability in rivers, streams due to artificial snow making. These rivers and streams are the primary source of water for drinking and irrigation for local communities and pollution would render them unusable for agriculture and drinking purposes.

In June 2007, Jan Jagran Evam Vikas Samiti (JJVS) and a local hotelier filed a Public Interest Litigation (PIL) in the High Court of Himachal Pradesh. In April 2008, the High Court disposed off the PILs saying that they were satisfied with the state government's action of constituting a six-member High Powered Committee under the Chairmanship of Secretary (Tourism) to look into various aspects relating to setting up of Himalayan Ski Village². According to a media report in December 2008, the high powered government committee was slated to do spot inspection and record resident views early January 2009.³ However local groups boycotted this as they were not provided basic documents related to the project – a demand they have been making for years now. A public consultation was then held in June 2009 on the Ski Village project by a State level review committee. During the consultation representatives of people, Mahila Mandals and Panchayats rejected the project in one voice.

The Committee noted the non-acceptability of the project by the local community, who are the main stakeholders and that even until October 2009 HSV had not carried out an environmental impact assessment and. It was further noted by the Committee, "that tourism is an economic activity, so it becomes necessary to spread its benefits to the community when we plan or develop... Development has to be in a manner that keeps in mind the well being of local people as well as the environment... Community participation is a must to develop and decentralise the development sector effectively... Such projects on the basis of single proposal received by the Government of Himachal Pradesh because of the non-acceptability and non-participation remains a non-starter"⁴.

Due to land acquisition and displacement of local communities for construction of big hotel projects, communities have lost access to natural resources and therefore their livelihoods. Massive investment into tourism, takes over common property resources that are used for sustenance and livelihoods by local communities, at times through *benami* transactions⁵. In the case of the Himalayan Ski Village project, the State Government of Himachal Pradesh led by the Planning Commission changed its land policy under Section 118, Himachal Pradesh Land Reforms Act to attract private investments in tourism sector⁶. Section 118 restricts purchase and sale of property by non-Himachalis (non residents of the state). HSV enjoyed an exemption from the provisions of Section 118.

The above example shows how tourism is increasingly encroaching on public commons in the guise of development. Moreover the State, a mere trustee of these public resources, is found to facilitate acquisition of common property

resources for private use and profit. Tourism depends on variety of economic, social, physical resources, often in competition with needs of local communities. Communities' resources for sustenance like agricultural land, common property resources (CPR) are diverted for exclusive use of tourism. Common property resources - beaches, natural streams & water bodies, forests, *bugiyals* (grazing lands) in the mountain valleys, which were once accessible to local communities, are increasingly getting converted into private spaces. Hence communities lose their power of ownership, regulation and control over common property resources.

Water is diverted to meet commercial needs of tourism enterprises like hotels, resorts, amusement and water parks, golf courses etc. The demand for water by the tourism industry in most instances has meant less water for nearby farmers, villages and households. For example, in Goa:

The local population of villages of Cansaulim – Arossim – Cuelim's monthly consumption of water was 19440 cu.m of water. In comparison, Hotel Heritage consumed 5012.70 cum while Park Hyatt consumed 36217 cum, almost double the requirement of the three villages². The development of tourist facilities like golf courses has resulted in pollution and depletion of ground water resources for surrounding communities. An average 18-hole golf course requires at least 525,000 gallons of water a day - enough to supply the irrigation needs of a 100 farmers³.

Ecotourism is the new magic mantra endorsed by the tourism industry giants, travel - trade associations and governments. Ecotourism's promotion as a market-based conservation mechanism has seen areas rich in biodiversity including protected areas and national parks being opened for tourism.

In the name of ecotourism, mainstream tourism that is devoid of environmental sustainability, equity in benefit-sharing with indigenous and local communities is being pushed into various eco-fragile areas. The potential of ecotourism to conserve biodiversity has been contested. These areas have been conserved by indigenous and local communities who have inhabited them for centuries are now being displaced in the name of conservation. Increasingly tourism is being allowed a backdoor entry into the very regions that were set aside by laws of conservation, without significant concern of its conflicts with conservation goals and impacts on ecology and communities dependent on these natural resources for sustenance. The tourism industry is allowed to operate with subsidies and incentives in protected and other ecologically sensitive areas without adhering to stringent environmental or social impact assessments.

A number of resorts are coming up outside the boundary of national parks. To promote ecotourism, the Chhattisgarh Forest Department has constructed a luxurious 'eco-resort' in a forest adjacent to the Barnawapara Wildlife Sanctuary, Chhattisgarh.

The Mohda eco-resort is located on forest land and on the banks of a lake, both being common property resources. The land belongs to the Chhattisgarh Forest Development Corporation but the resort has been handed over to Chhattisgarh Tourism Board (CTB) for running and management. The project can be legally challenged for the diversion of forest land for commercial purposes under Forest (Conservation) Act, 1980 and for its transfer to private parties. The CTB is considering the property for privatisation. Using PPP (public-private partnership) the CTB will create infrastructure and hand them over to private players to operate. The private players will accrue benefits and the State will be benefited from the collection of taxes. The common property resources of forest and water-source, which could have been used by the local people, have now been segregated for the exclusive use and enjoyment of tourists. The resort also violates the recommendations of Indian Board for Wildlife in 2002 for declaration of land falling within the 10 km of boundaries of national parks and wildlife sanctuaries as eco-fragile zone under section 3 (v) of Environment Protection Act. The development of tourism establishments on periphery also hinders movement of wildlife for food & water. The wildlife in turn starts entering human habitations which increases the possibility of human-animal conflict⁴.

These conflicts have led to damage to property and loss to human and animal lives. The lack of consultation with local Panchayats when tourism projects are prepared by governments violates the Constitutional provisions of the 73rd Amendment Act, 1972. Panchayats as institutions of local self government have the power to decide the kind of development they would like in their regions and to plan and implement schemes for socio-economic development. The role of the Panchayats is thus reduced to a mere formality as they are only consulted after all clearances have been granted and a no objection certificate is required. At this stage, the Panchayats do not refuse, since all other clearances are granted.

Privatisation of the coasts and lakes

Privatisation of common areas and natural resources has also been witnessed in coastal areas. Local communities are denied access to beaches as portions of it are fenced by resorts for the exclusive use of their guests, even though beaches are CPRs that support traditional livelihoods of many coastal communities. A few examples are discussed below.

The Master Plan for the Samukha Beach Area project envisaged as a leisure cum business destination was prepared in the year 2008, to be developed over 3000 acres near Puri at a cost of approximately Rs. 3500 crores. 934.36 acres of land for the 1st phase of development has already been acquired while 600 acres for 2nd phase is expected soon. This land will be leased to developers for a period of 70 years. Orissa Tourism Development Corporation is the project implementation agency while the Industrial Development Corporation Orissa is the agency for land acquisition. Infrastructure for water & power supply up to the project site & access road to the site is provided by the government.

Phase 1 will include development of luxury hotels, 18 hole golf course, convention centre, spa with wellness centre, urban entertainment, sports facilities, crafts museum and theme gardens. Phase 2 will include airstrips & helipads, amusement & theme parks like Disneyland, another 18 hole golf course with golf resort, river & sea sports facilities and 2 star or above hotels for medium range tourists.

7 villages which border the 3000 acres will be affected by the project. The potential impacts of the project include:

Economic: A large part of the land acquired for the 1st phase is ceiling surplus land, which should have been distributed to the landless people in adjoining villages. However, the state government held on to this land now plans to lease it to the companies for tourism development. Further, some tracts of land to be acquired in the 2nd phase are those owned by the Mutts, which are politically influential. These lands were also identified as ceiling surplus land, but the Mutts had refused to hand it over and the case is under litigation. This is the main reason that land acquisition for 2nd phase has hit a roadblock.

The majority of the villagers in the 7 villages comprise of Dalit and landless communities. Agricultural labour is one of the only livelihood options. If the project comes up ground water level, which is already low would be affected, in turn affecting the agriculture of the region. Currently, people are under the impression that the project would increase livelihood options for them. However, the project that is being planned is high-end and would require very specialised staff that will be brought in from outside, with the local communities the low end and menial jobs.

Social and Cultural: A key element is the creation of a tourism village. Sippasalubary is to be promoted for rural/village tourism. This will have social and cultural implications. With minimum interaction between the tourist and the villagers, it will become a place for voyeuristic pleasure and a commoditisation of cultural practices. Women, children and youth will be among the first to face the negative impacts of such tourism.

Communities' access, rights and control over natural resources will be impacted. Vegetation in the vicinity is a source of Non-Forest Timber Produce for the people. They either consume it or sell in the market, which augments existing incomes. The project will wipe out this rich vegetation, thus taking away both an important source of nourishment as well as income from the people.

Environmental: No EIA has been conducted for this project and therefore, there is limited understanding of the potential environmental impacts that the project would cause, therefore leaving no option for mitigation either. Past examples of tourism shows that sand dunes, coastal vegetation, coral reefs will be destroyed. These are important natural elements that protect the coasts from disasters like tsunamis, thus making the local communities vulnerable to the vagaries of nature.

Governance: A significant lapse is that the Gram Sabhas have not been consulted before the planning and implementation of the project. This is a gross violation of the Panchyati Raj Act and the constitution of the country. The project is being planned under the Public Private Partnership (PPP) mode, which further complicates the location of the Gram Sabha and the Panchayats as there is no space for communities in the PPP framework. Adding to this is the fact that there is no regulation that has been planned for in the project document. Therefore private companies with profit as their motive will proceed to exploit the natural resources and the people.

Goa, a popular place visited by many tourists is also the place where communities have been protesting for many years against privatisation of commons by tourism. A Writ Petition was filed in the Goa High Court against the developers of Heritage Village Club Resort on Arossim beach in Cansaulim for undertaking permanent construction, restricting public access to the beach, putting up barbed wire fences, flattening of sand dunes for construction, discharge of solid wastes and effluent directly into the sea without treatment. The construction violates the CRZ Notification, 1991 that prohibits any permanent constructions in the No Development Zone (upto 200 metres). The Heritage Village Club Resort had constructed beyond and within 200 metres of the high tide line. The resort has not left adequate space for access to the beach as prescribed in the CRZ notification. Contrary to the prescribed 20 metres only 10 metres has been left for public access to the beach¹⁴.

The local fisherfolk of Velaghar-Shiroda in Sindhudurg, Maharashtra evoked the Coastal Regulation Zone notification, 1991 to protest against tourism development. The Sindhudurg district was marked for tourism development by the Sharad Pawar government. The local community is against the land acquisition and eviction notices served by the Maharashtra Tourism Development Corporation on behalf of the Taj group of hotels, which plans to build a five star hotel and beach resort with aqua sports¹⁵.

On 4th November 2008, the Karnataka High Court questioned the practise of conversion of lakes which are public commons for private use. The Lake Development Authority (LDA) of Bangalore, constituted in 2002 for protection of the lakes, leased out three lakes in Bangalore (Agaram lake, Nagawara and Hebbal Lake) to private companies for developing and maintaining them for a period of 15 years. The Hebbal lake was leased out to M/s East India Hotels (EIH) Ltd, the parent company of Oberoi Group of Hotels. Media reports have highlighted that the Oberoi's had proposed to fence the lake and charge an entry fee of Rs. 20, construct a floating restaurant, cafeteria and hotel in front of the Hebbal lake¹⁶ thus blocking public access and curtailing traditional and customary rights of communities. A show cause notice issued by the Forest Department observed that the EIH had removed the entire water and aquatic vegetation unscientifically in June 2007, destroying the habitat of aquatic birds and wildlife in violation of Section 51 of the Wildlife (Protection) Act 1972¹⁷. The construction of amusement parks and other recreational facilities on the water body violates the purpose of conservation and preservation¹⁸. This commercialisation of a public resource in the name of conservation was opposed by local groups as the privatisation was likely to have detrimental socio-economic and ecological impacts. The interim order of Karnataka High Court on 4th November 2008 restricted lake privatisation and directed that efforts be made protect these lakes and made accessible to the common man¹⁹.

Conclusion

Throughout the world tourism is being promoted for achieving development and India is no exception. But the question arises, for who is this development and who does it benefit and at what cost? As tourism is pushed into various spaces for poverty alleviation, conservation and sustainable development, rarely has tourism been able to achieve these. On the contrary tourism has alienated people from their rights over common property resources and has thus caused conflicts.

Tourism's claims of conservation and benefits to local communities have not materialised. Instead the route charted by tourism follows a privatisation of public and common property resources. Prioritising tourism development at the cost of people's rights is unacceptable and unjustified.

End Note

¹ Updated version of an earlier paper published in March 2010

² Him Niti Campaign, Himachal Pradesh, JJVS, EQUATIONS (2008), 'Impacts of the proposed Himalayan Ski-Village Project in Kullu, Himachal Pradesh'

³ Arora, Vijay. 30th April 2008, Himalayan Ski Village, HC Disposes of Plea, The Tribune, (<http://www.tribuneindia.com/2008/20080501/himachal.htm#8>) (accessed on 1st December 2010)

⁴ (2009) Report on Review / examination of the project Himalayan Ski Village in Kullu District, Himachal Pradesh, submitted by a Committee constituted by the State Govt on Directions of the Hon'ble High Court, H.P Page 66-84

⁵ Not in any specific name, false transactions.

⁶ The Planning Commission of India in 2005 brought out the Himachal Pradesh Development Report, which carried a critical analysis of the tourism sector in the state. It states that the Himachal Tourism Department is pursuing a tourism policy sans action and overselling the already saturated Shimla-Kullu-Manali circuit. The concern for pressures on infrastructure was not so much about the stress on local resources but more for the fact that the State was not tapping into other potential tourism spots to increase tourism's contribution to the State's economy. One of the recommendations in the Report was to achieve this objective through reform of the

tourism sector by changing the Land Policy Himachal Pradesh' to attract private investments; particularly section 118 of the HP Land Reforms Act.

7 Council for Social Justice and Peace and EQUATIONS, 'The Challenge and Prospects of Tourism in Goa Today' (2009), pg 24.

8 Ibid, pg 10.

9 EQUATIONS (2009), 'Nature, Markets, Tourism - Exploring Tourism's claims to Conservation in India'.

10 EQUATIONS (2008), 'Coastal regulation in India -Why do we need a new notification?', Pg 12.

11 EQUATIONS (2008), 'Coastal regulation in India -Why do we need a new notification?', Pg 11

12 Gandhi Divya and Shivanand Swathi, 'A farewell to Hebbal lake?', The Hindu, 25 July 2007, <
<http://www.hindu.com/2007/07/25/stories/2007072558510100.htm> >, [accessed 9 April 2010].

13 Gandhi Divya, 'Forest Department Serves notice on Oberoi Hotels', the Hindu, 10 October 2007
< <http://www.hindu.com/2007/10/10/stories/2007101050310100.htm> >, [accessed 9 April 2010].

14 Mahanti Gitanjali (2008), 'Article on PIL against Lake Privatisation', ESG, <
<http://www.esgindia.org/campaigns/lakes/current.html>>, [accessed 9 April 2010].

15 ESG (2008), 'The High Court passed an interim order (zip file - 164 KB) restricting lake privatisation on 4 November 2008',
<<http://www.esgindia.org/campaigns/lakes/current.html> > , [accessed 9 April 2010]