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Ecological Tourism and Public Administration in Romania

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Abstract

This paper presents aspects of ecological tourism. Nowadays tourists are becoming aware of the importance of a clean environment and during their holidays they would like to return to a welcome nature, to enjoy the benefits of the well-preserved areas. Unfortunately the damage already done to nature by past tourists still shows its negative effects. We wonder if modern education or law can help prevent the damages. Our study presents some of the negative aspects the tourism had on the environment. We also look at the types of tourism and the Romanian laws that try to help us live in a better world.

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1. Introduction

Being an increasingly important economic and social activity, tourism amplifies and, at the same time, increases the negative impact on the environment. The simple reading of its legal definition – ‘a branch of the national economy, with complex features, bringing together a set of goods and services provided to travellers, people who travel outside their usual environment for less than one year and whose main reason is other than an activity remunerated within the place visited’ (art. 2a of the Government Ordinance no. 58/1998 on the organization and performance of tourism in Romania) – reveals sufficient links between the two areas. Moreover, according to the same law, the resources of tourism are part of the natural and human environment, which through their qualities and their specificity are recognized, recorded and recovered through tourism, to the extent that they are subject to an integrated protection system. The tourism resources can be: natural, geological elements, geomorphologic elements, climate, flora and fauna, deposits of minerals, and other anthropogenic factors: archaeological monuments, archaeological sites, monuments, memorial assemblies, technical and/or artistic monuments, museums, items of folklore and folk art and so on. All these constitute the touristic patrimony.

2. Global tourism

General trends and perceptions of tourism, both internationally and nationally, are obvious. Thus, as a reflection of the increased quality of life, tourists are becoming increasingly aware of the importance of a clean environment and during their holidays they would like to return to nature, to enjoy the benefits of the well-preserved areas. This

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phenomenon relates to an increased mobility and a great increase in the number of tourists, including those who practice international tourism. Moreover, the number of the latter has increased steadily from 180 million people in 1971 to over 600 million last year. In 1996 the sums from international tourism amounted to U.S. \$ 423 million and, according to the forecast of the World Tourism Organization (WTO), they will grow at a rate of 4% per year, so in 2010 will reach 1500 billion U.S. dollars.

At the same time it has been recorded an increase in the share of long journeys, especially in the developed countries, where the journey is part of the daily life of the individual and an important factor in defining his/her social status.

2.1. Negative effects of tourism

The most various types of travel and vacations affect more and more countries and natural regions. And this amplification and diversification of the worldwide tourism activity is reflected, not always positive, on the quality of the environment.

The examples cited by experts are unequivocal. So, for example, between 1900 and 1990, Europe has lost about 43% of its sand dunes, visited by tourists, of which 75-80% were located in the Mediterranean countries. Also, the land used for tourism is huge; according to the 'Blue Plan' for the Mediterranean region, on its north-western coast, not less than 4400 km² are given to the premises and infrastructure for tourism. Finally, in the Alps, visited annually by over 50 million tourists, some valuable natural areas were slaughtered for raising constructions for tourists and for the implementation of various development projects.

Unfortunately, the Romanian example may be added successfully. The different forms of tourism promoted chaotically, without the prospect of a national strategy in the field, with well defined objectives which were supposed to be consistently followed, are likely to become an important factor in environmental destruction. On the one hand, the damage of the Black Sea beach and its cliff in recent years by placing at random and without worrying about the impact on the marine environment of the infrastructure and the constructions for tourism and, on the other hand, the 'flooding' of the Danube Delta with economic activities and holiday buildings are two manifestations suggestive of the anti-ecological dimension of tourism.

3. Types of tourism and international law

The obvious impact of the tourism activities on the environment has led to a growing more rigorous concern compatibility between the two terms of the equation, i.e. mitigating the negative impacts of the tourism and, at the same time, recovering and developing the ecological functions of the tourism.

The direct expression of this phenomenon is the emergence and assertion, with some confusion and interference, of the concepts and practices such as: 'ecotourism', 'rural tourism', 'green tourism', 'sustainable tourism'.

A. Ecotourism was born, both as practice and concept, in North America, around the years 1984 – 1985, together with the development of tourism for the naturalists in the most remote and fragile ecological areas. The most widely accepted definition is given by the American Society of Ecotourism, characterizing it as being 'tourism in areas virtually undisturbed by humans and which should contribute to the conservation of nature and the welfare of the local people.'

Paradoxically, at least at the surface, after a short period of flowering, at the pressures of the environmental organizations, the authorities and the travel agents had to take additional measures to reduce the impact of these visits on natural environments and communities that live there and to ensure that at least a part of the money resulting from ecotourism is used to support the efforts of the conservation of the indigenous sites and cultures.

B. Rural tourism appeared and existed in significant proportions especially during the last two decades, at the beginning in the Western countries, and after 1990 also in Central and Eastern Europe, including Romania. It is rightly considered a 'meeting point' between ecotourism and sustainable tourism, being organized in relatively undisturbed natural areas inhabited by traditional communities. It would express a deliberate choice (based on the desire to leave, even temporarily, the urban lifestyle) to comply with the limitations and requirements of the rural

world.

Without making the protection of the environment its determinant objective, rural tourism presents important ecological significance, highlighted especially by the acceptance and compliance with the requirements of a lifestyle better integrated into the requirements of the natural system.

C. Green tourism is a broader and wider concept than the previous ones. It also includes the time spent in the rural surroundings and it is a real alternative to the traditional tourism, highlighting the presence of the natural element. It is also known as ‘the sweet tourism’ in terms of the lower impact on the environment.

D. Sustainable tourism is the future form of tourism, organically integrated into the concept of sustainable development as a type of development able to satisfy the needs of the present generation without compromising the ability to meet those of the future generations.

This concept of sustainable tourism has already seen a number of legal recognitions via international documents. Thus the documents of the UN conference on environment in Rio de Janeiro (June 1992) provided the promotion of the initiatives regarding the development of sustainable tourism worldwide. In the last decade the European Union and the Council of Europe have undertaken a number of specific actions in this area. In 1995, the United Nations Environment Programme (UNEP) published, for the first time, a collection of guidelines for the development of the world tourism, with notable significances for sustainable tourism. Finally, in April 1995, at Lanzarote (Spain), under the auspices of UNESCO, a world conference on sustainable tourism was held. On this occasion, it was adopted a *Charter of sustainable tourism* in 18 points, which are now already important landmarks of the development of the associated activities.

But the first legal instrument in this field, even if only on a regional scale, remains the Protocol on Tourism of the Convention for the Protection of the Alps, which stipulates the obligations of the Alpine states to promote the objectives of the sustainable tourism in the region.

The issue was taken up and developed in terms of its implications by the international meetings and texts that followed the Rio de Janeiro Conference. Thus, the second Conference of the parties of the Convention on Biodiversity, held in November 1995 in Jakarta (Indonesia), proposed that the document be used as a basis for the development of the international principles and regulations related to the compatibility of the tourism activities with the environmental requirements. Although the provisions of the Convention do not refer directly to tourism, their significance regarding the conservation of plants and animals are connected with tourism, having implications for the activities made by the tourists.

The documents adopted at the International Year of Ecotourism (2002) and at the Green Summit in Johannesburg (2000) contributed to the application of the concept of ‘sustainable tourism’ and to formulate appropriate legal rules in this area.

4. Romanian legislation

In the Romanian legislation, the Government emergency Ordinance no. 195/2005, defines ecotourism as ‘a form of tourism in which the main objective is noticing and becoming aware of the value of nature and the local traditions and which must fulfil the following conditions: a) to contribute to the conservation and protection of nature; b) to use the local human resources; c) to have an educational character, respect for nature – awareness of tourists and local communities; d) to have a very little negative impact on the natural and socio-cultural environment.’

The central public authority for tourism has the obligation to follow the protection of natural heritage, including measures imposed to the entities active in this field and encourages the enforcement of the ecotourism principles (art. 89c). Another legal instrument to promote the ecological requirements in the tourism activity is the environmental authorization and the accountability specified in the field.

In future, however, the preponderant role moves towards the facilities and the economic and fiscal measures and the promotion of some active forms, such as sustainable tourism.

According to the regulatory framework in the field, the heritage is represented by the tourism resources and the structures made in order to achieve their recovery through tourism [(art. 2c) from the Government Ordinance no.

58/1998 regarding the organization of tourism activity in Romania, with amendments]. It consists of public assets and private assets, subject to a system of exploitation and protection.

It is based on the following principles:

- tourism is a priority area of national economy [art. 1 para. (1)];
- tourist protection is part of the defining elements of the tourist area [art. 2 letter. c)];
- recovery and development of the heritage only on the annual program of tourism development (art. 8);
- declared as protected areas by law in order to protect and recover tourism resources contained in touristic areas and resorts (art. 11);
- owner's or legal manager's obligation to protect the tourism heritage, expressed in the certificate of tourism heritage (art. 6).

In these cases, authorization/licensing requires a study of impact.

The rural area still has great consistency in Romania; there are currently about 3,100 communes (with 13,100 villages), having a population of about 10.3 million people (more than 46% of the population) representing around two thirds of the state. The rural habitat remains one of the most representative, the village representing the oldest form of human settlement and the best anchored in its natural environment.

The agricultural land (productive agricultural land, i.e. arable land, vineyards, orchards, hops and mulberry trees, pastures, hay fields, greenhouses, growth rooms and the like, those with forest vegetation, if not part of forest planning, forest pastures, those occupied with agricultural and zoological buildings, fisheries, technological roads and farming exploitation, platforms and storage areas that serve agricultural production and the nonproductive land that can be used for agricultural production) is an important part of the land. Therefore, the organization of the agricultural land is an important element of the rural development. They are in charge of creating the conditions for better use of land for the purpose of agricultural production and are based on studies and projects at the request of the owners (article 104 of Law no. 18/1991). According to the law they must solve the following issues:

- linking agricultural development in the area with other economic and social activities, establishing measures to lead to increased agricultural production and overall exploitation of the territory;
- grouping by merging the land according to their owners and their destinations in accordance with the ownership structures and with the forms of the cultivation of the land resulting from associations, establishing perimeters for each property, merging dispersed land and rectifying the borders placed irrational;
- carrying out studies and projects for organizing the agricultural exploitations;
- establishing agricultural road network as a completion of the road network of general interest integrated into the overall planning and organization of the territory, in order to transport the production and to have access to the agricultural goods necessary for the production.

Law no. 18/1991 stipulates important town and country planning rules. Thus, according to art. 92, the location of the new constructions may be done within settlements, from this rule being some exceptions: the constructions, which, by their nature, can generate pollution so they may be located outside the city, based on prior studies of ecological impact, approved by the competent authorities for environmental protection, and constructions which, by their nature, can not be placed in the town, such as shelters for animals. But even these exceptions are subject to restrictive rules, the law providing that no building must be erected on agricultural land outside city limits of class I and II of quality, the land previously equipped and that planted with vineyards and orchards, national parks, reserves, monuments, archaeological and historical ensembles.

According to the land law, the civil and industrial buildings, including those for supporting the technological or agricultural tools and equipment, can only be built in compliance with the building permit issued in accordance with the law and regulations on the design and execution of constructions [art. 1 para. (2)]. In order not to distort through saturation a natural space the equipment should be proportional to the absorption capacity of the landscape. To maintain the integrity of the environment and the protection of the heritage, the authorization of building on agricultural land is allowed for all constructions specific to those places, subject to the conditions imposed by law.

The building permit gives its owner the right to remove, temporarily or permanently, the land from the agricultural circuit, according to the law.

The law prohibits:

a) authorizing the execution of constructions and facilities on forest lands. Exceptionally, the special public administration bodies may authorize only buildings for the maintenance of the forest, forestry and forest crops, their location being in a small area;

b) authorizing final constructions, other than industrial, required by mining and by the processing of the resources in areas designated by law containing identified soil resources;

c) authorizing constructions in the minor beds of the rivers and lake basins;

d) authorizing the execution of constructions in areas subject to natural hazards, except those which are designed to limit their effects;

e) authorizing the execution of constructions in areas subject to technological risks.

If the future seems so uncertain and sustainable development is confused and globalization, primarily economic, is more powerful, the further development of environmental law will take place and will adapt to such a context.

5. Romanian legislation

At least for the near future, the legal aspects regarding environmental protection will be integrated into the economic mechanism [as with the World Trade Organization (WTO) or the EC], and their objective is restricted to ensure the quality of the environment, related to the quality of life (the standard of living).

Strictly legal, we can draw some obvious trends: expansion and generalization of environmental law by recognizing and enshrining the fundamental right to the (healthy and ecologically balanced) environment, and some principles (such as the precautionary), enhancing the procedural safeguards in order to promote its legality, diversification of economic and fiscal instruments and intensification of their use in environmental protection, increasing the role of civil society and the public in making legal regulations in the field, establishing a proper system of accountability, including targeted sanctions of environmental law. At the same time, the accelerated globalization of the ecological problems and the aggravation of some of them, such as climate changes, require a new approach with the ultimate goal being the conservation and ensure of survival of the species and a trend of globalization of environmental law, at least under a threefold aspect: the formulation and adoption of the rules, the aims pursued and their application.

The current eco-climatic order crystallized 8,000 to 10,000 years ago and its relatively modest fluctuations (and those especially in the sense of some cooling periods) allowed the affirmation of the human civilization and its expansion over the entire planet.

From some dozens, maybe hundreds of thousands of individuals, placed in several geographic areas, today the species reached 6.5 billion worldwide, putting a major ecological footprint on the Earth's ecosystem. After the illusion of the nature liberation period, during the industrial revolution, problems accumulated gradually, reaching the impasse of global warming, which, through the obvious climate disorders, may announce, in this century, the chaos followed by the relocation of a new eco-climatic order. We do not know if people will be part of this equation anymore. Since the mid-nineteenth century, the ecological issues have become global and have lately become even a survival issue, its approach being undertaken by the UN in the three World Conferences: in 1972 (Stockholm), in 1992 (Rio de Janeiro) and in 2002 (Johannesburg).

The deepening of the ecological imperative and the major differences which appeared related to the Kyoto Protocol (1997) on reducing the emissions of the greenhouse gases (GHG) blocked the actions of any existing international organization, regarding the acquisition of such concerns and problem solving. The existence of two big eco-climatic 'blocks': the first is the American-Australian one (leaders: the USA and Australia), who rejects the thesis of the decisive human contribution to climate change and refuses the solution of reducing the GHG emissions, and the second is the rest of the world (about 161 countries, with EU as leader), supporting the Kyoto Project, created a quasi insurmountable blocking. Overcoming it and having a constructive dialog have become a necessity.

The eco-climatic compromise, both in the scientific and political plans, becomes more and more predictable and necessary. At the same time, the emergence of a global ecological governance is taking shape in the current international context.

A first step in this direction would be the French initiative, relaunched in early February: the creation of a UN for

the environment to manage the major ecological problems of the planet, led by the climate.

Formally and officially accepted by about 50 states, the idea faces resistance from countries like Brazil, which require a deeper reform of the situation through measures such as the introduction of mandatory ecological criteria in future international negotiations, for example, the WTO's trade and the assuming of the developed countries of significant obligations on reducing pollution. Going forward, we could say that, in reality, we need to establish a new ecological world order, which involves identifying and accepting the true imperatives in the field, triggering the creative dialogue, having an adequate institutional framework and urgently adopting the required measures.

There are objectives against which environmental law can not remain indifferent; it must assume them fully, thus marking its future.

References

- Dutu, M. (2004). *International Environmental Law*. Bucuresti: Economic Publishing House.
- Dutu, M. (2007). *Environmental Law*. Bucuresti: C.H.Beck.
- Homer-Dixon, Th. F. (1994). Environmental Scarcities and Violent Conflict. *International Security*, Boston, vol. 19.
- Marinescu, D. (2007). *Treaty of environmental law*. (second edition). Bucuresti: Juridical Universe.
- Romanian Review of Environmental Law* (2007 – 2012).