

LEGISLATIVE ISSUES IN ECOTOURISM DEVELOPMENT IN NATIONAL PARKS IN SRI LANKA

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ABSTRACT-At present ecotourism development is important for providing economic and social benefits to host communities by expanding the community's economic base. The existing legislation in relation to ecotourism development was reviewed in detail. Except, Fauna and Flora Protection Ordinance (FFPO) other legislations are supportive for ecotourism development at national parks in Sri Lanka. There are generic issues found in the FFPO for ecotourism development at national parks under legal and policy and operational considerations. It is recommended to update the existing FFPO ecotourism development in national parks in Sri Lanka.

KEY WORDS: Ecotourism, Concessions, Legislation, National Parks

INTRODUCTION

This new vision for protected areas requires an awareness and understanding of the economic values generated by protected areas (Phillips, 1998). Ecotourism has been advanced as a form of sustainable tourism that is expected to boost conservation and development in the rural communities (Chiutsi et al., 2011). The governments all over world have recognized protected areas as economic institutions which have a key role to play in the alleviation of poverty and the maintenance of the global community's critical life-support systems.

The Department of Wildlife Conservation (DWC) is mainly involved in ecotourism/nature tourism in the protected areas and the total income from tourism is Rs. 275 millions (1 USD= Rs.110) in 2011 receiving 359,070 visitors to 17 national parks.

According to Lawrence, Wickins & Phillips (1997) suggested that ecotourism was experiencing a 'crisis of legitimacy' in terms of its ability to achieve its alleged ecological and economic goals, and since Lindberg & McKercher (1997) described ecotourism as a maturing field whose capacity to meet its ascribed objectives was still unclear.

During that subsequent 10 years, at least 300 refereed English-language journal articles and an equally large number of books and book chapters have been contributed to the expanding ecotourism literature. This literature is focused on market segmentation, ecological impacts of wildlife viewing, and community-based ecotourism, but there has been minimal attention to critical areas such as quality control, the industry, external environments or institutions and legislation in relation to ecotourism development even as the components and parameters of ecotourism are being extended. This imbalance, combined with the fragmentation and lack of integration within the literature, suggest that ecotourism, as a field of academic inquiry, is still in a state of adolescence (Weaver & Lawton, 2007).

Laws, rules and regulations can be regarded as the parameters of the playing field of ecotourism. If the ecotourism is considered as a game, policies as the way in which the game is played (Lubbe, 2005). Legislation, regulations and policy determine the borders of the playing field and the rules of the game in the tourism industry.

Only a few studies have addressed on

government policy and plans, specialized and non-specialized organization; and educational programs explicitly focused on ecotourism. Fennell, Buckley, and Weaver (2001), for example, provide an overview of the global situation with regard to policies and planning, while Stein, Clark, and Rickards (2003) describe how policy formulation in Florida is confounded by the differing priorities of tourism professionals and public land management agency directors.

Previous studies on how legislation affect on ecotourism development are scanty in Sri Lanka. The objectives of the present study are to review existing legislation in relation to ecotourism development in national parks and to identify the generic issues found in the legislation for ecotourism development in relation to related legislation.

METHODOLOGY

The study was involved in reviewing the following tourism related policies, acts and ordinances in relation to ecotourism development in national parks.

Policy on Wildlife Management

National Policy on Wildlife Conservation (2000) addresses the evolving needs of modern Sri Lankan society and the additional mandates of the Convention on Biological Diversity (CBD), which Sri Lanka ratified in 1994. The National Policy on Wildlife Conservation 2000 fulfills the provisions in the CBD and renews the commitment of Government to conserve wildlife resources including tourism for the benefit of present and future generations (National Wildlife Policy, 2000).

Policy on Visitor Services and ecotourism in Protected Areas

The policy on visitor services and ecotourism in the DWC was drafted in 2004. In the preamble of policy, it indicates that the DWC is the custodian of wildlife, national reserves, sanctuaries and wild flora and fauna outside the protected areas in Sri Lanka. National parks are a key part of the tourism industry in Sri Lanka

and their importance will grow as the awareness of Sri Lanka as an ecotourism destination increases.

Fauna and Flora Protection Ordinance

All activities within the protected areas administered by the DWC are legally bounded by FFFPO (1938), amended in 2008. All the recreational activities and recreation concessions in protected areas have to be operated based on the legal provisions mentioned there. Section 05 of Fauna & Flora Protection Ordinance provide provisions for tourism in National Parks.

National Tourism Act

Under the National Tourism Act (2007), the Sri Lanka Tourism Development Authority (SLTDA) has been established and it has to propose long term goals for tourist development, as well as a four year plan. The main role of SLTDA is to develop Sri Lanka as a tourist and travel destination, both in Sri Lanka and abroad. Guiding the other boards created under the act is a further responsibility placed upon the Development Authority.

Ecotourism Development Strategy of Sri Lanka

The SLTDA (earlier Sri Lanka Tourist Board) introduced a new strategy in June 2003 protecting Sri Lanka as a "destination beyond beaches" possessing scenic features, natural areas, long years of cultural heritage and as a place for adventure tourism. This is a land mark policy decision for nature or ecotourism development in Sri Lanka

National Ecotourism Policy

Along with the ecotourism strategy a National Ecotourism Policy has been formulated in June 2003 along with relevant legislations and guidelines for development.

Mahinda Chinthana 2005 & 2010

The Mahinda Chinthana vision is based on the economic philosophy that the growth in Gross Domestic Product (GDP) alone would not bring economic prosperity to the society.

The Mahinda Chinthana Goal (MCG) is to increase the GDP to provide benefits to every segment of society in a justifiable manner. This would be the government policy in development.

Following criteria were used in reviewing the above legislations in relation with ecotourism development.

1. Provisions for allowing tourism and ecotourism at national parks
2. Encouragement/directions for tourism, ecotourism promotion at national parks
3. Provisions for major aspects/ components of ecotourism
 - “environmentally conscious nature-based travel enjoyed by people interested in learning about the nature, history and culture of the area visited,
 - providing economic and social benefits to host communities by expanding the community’s economic base,
 - contributing to natural resource conservation through nature interpretation and environmental education

RESULTS & DISCUSSION

1 Provisions found in the existing legislation for ecotourism development at national parks

1.1 Provisions for allowing tourism and ecotourism at national parks

Section 6 of the new National Tourism Development Act requires the SLTDA to propose long term goals for tourist development, as well as a four year plan. The main role of SLTDA is to develop Sri Lanka as a tourist and travel destination, both in Sri Lanka and abroad. Guiding the other boards created under the Act is a further responsibility placed upon the Development Authority.

The preamble of national ecotourism policy defines the concept of ecotourism in Sri Lanka as “**responsible travel to natural and cultural areas that conserves the environment and improves the well-being of local communities.**” This definition is closely related to the definition given by the International Ecotourism

Society in 2002 (Elperwood, 2002). The policy also outlines the principles, objectives and actions that are necessary to facilitate the development of a sustainable tourism industry that contributes to resource conservation while optimizing economic benefits for current and future generations of Sri Lankans. It is supported by numerous other policies and strategies that have been developed for related sectors.

The present National Wildlife Policy provides a new context for managing wildlife resources, by emphasizing the three themes of conservation, sustainable use and benefits sharing, and by recognizing that these must be balanced and linked if sustainable development is to be achieved.

The mission statement of the National Wildlife Policy is, “*To conserve wildlife and nature by the sustainable utilization of men, material and land through participatory management, research, education and law enforcement and ensure the maintenance of biodiversity and forest cover as exist today*”.

According to this mission statement, the National Wildlife Policy is committed to conserve wildlife resources for the benefit of present and future and research in a transparent and equitable manner. The ecotourism is one of sustainable utilization in national park, because it is not exploitative and environmental friendly.

There are provisions in the FFPO to carry out tourism in protected areas. Under the section 2(1) Environment minister may declare National Reserves including National Parks for the purpose of this ordinance. The section 2(1) is as follows:

“*The Minister may by Order publish in the Gazette declare that any specified area of Crown land shall for the purposes of this Ordinance be a National Reserve and may by that order or by any order subsequently published in the Gazette declare that the whole or any specified part of any such National Reserve shall be-Strict Nature Reserve or National Park or Nature Reserve or Jungle Corridor or Marine National Park or Marine Reserve or Buffer zone*”.

Section 3 (1) (b) says:

“No person shall be entitled to enter any National Park except the purpose of observing the fauna and flora therein”.

Therefore, this section is supportive for protection of wildlife resources in a national park and non exploitative consumption (i.e watching fauna and flora) is emphasized. That is supportive for ecotourism.

The Section 5 (1) is also supportive for the section 3 (1) (b) and the section is as follows:

“No person shall enter or remain within any national park except under the authority and in accordance with the conditions of a permit issued by the prescribed officer on payment of the prescribed fee”

The section 5 (2) confirms that permit should be issued for non consumptive uses such as studying or observing the fauna and flora.

“A permit under the subsection (1) shall be issued only for the purpose of enabling the permit holder to study or observe the fauna and flora in a national park”.

Further, these two sub sections indicate that the tourism activities are restricted and only the environmental friendly activities are allowed.

The policy on visitor services and ecotourism in the Department of Wildlife Conservation was drafted in 2004. In the preamble of policy defines the ecotourism is and importance of national parks in ecotourism operation.

“The Department of Wildlife Conservation is the custodian of wildlife, national reserves, sanctuaries and wild flora and fauna outside the protected areas in Sri Lanka. National parks are a key part of the tourism industry in Sri Lanka and their importance will grow as the awareness of Sri Lanka as an ecotourism destination increases”.

1.2 Encouragement/directions for tourism/ecotourism promotion at national parks

According to National Tourism Development Act, taking the collective knowledge from across the four boards and through a process of consultation, the Sri Lanka Tourism Development Authority (SLTDA) has constructed a strategic plan. This strategic plan sets the vision,

strategic targets and eight key objectives. The vision says” to establish and position Sri Lanka as Asia’s most treasured and greenest island, with its beautiful beaches, warm and friendly people, with a strong nature, culture and adventure offering, raising its profile to that of an Asian tourism icon and make it the largest foreign exchange earner benefiting the stakeholders of tourism and the people of Sri Lanka’

For a more comprehensive programme to meet the strategic targets, eight key objectives have been identified which will lay foundation for future growth. The strategies have not directly discussed the ecotourism, although there are avenues for the ecotourism. Under the objectives of Short-term programme and 10 year plan development, new tourism product development and sustainable tourism have been recognized. These objectives describes that sustainable tourism will require Sri Lankans to look back into the past, review natural resources, understand cultural and religious sensitiveness as well as heritage management in a new way.

The Mahindana Chinthana (2005 & 2010) say *“ Tourism can provide a substantial contribution to the economic development of our country. However, our natural and human resources have not been utilized scientifically to develop this industry. My intention is to generate environmental friendly sustainable tourism instead of relying only on leisure seeking popular tourism”*

The FFPO as amended by acts nos. 44 of 1964, 1 of 1970, 49 of 1993 and 2008 is strictly adhere to the preservation of wildlife resources and not supportive for conservation. The preamble of FFPO says:

“ An ordinance to provide for the Protection, Conservation and Preservation of the fauna and flora of Sri Lanka: for the prevention of the commercial exploitation of such fauna and flora; and to provide for matters connected therewith or incidental thereto.”

This means commercial exploitation is not allowed in wildlife protected areas and in other words non exploitative tourism is allowed in tourism regard.

There are eight principles are found in the

national ecotourism policy. Further it is mentioned that ecotourism activities and facilities shall be categorized as those that adhere to the following principles in their planning, development and management. They must take active measures to:

1. *Minimize and alleviate negative environmental, social and cultural impacts*
2. *Optimize revenues for industry and for re-investment in conservation*
3. *Optimize the active involvement of, and equitable distribution of economic benefits to, local communities*
4. *Educate visitors and citizens about the importance of conserving Sri Lanka's natural and cultural heritage*
5. *Promote ethical behaviour and responsibilities towards the natural and cultural environment*
6. *Manage operations such that there are long term benefits to the resource, industry and the local community*
7. *Deliver a high quality, value-for money, enlightening and participatory national resource and culture-based experience for visitors*
8. *Encourage travel in a spirit of humility, respect, and learning about local hosts, their culture, and the natural environment*

The number of objectives are six and they are as follows:

1. *To promote and facilitate the development of ecotourism sites, activities and facilitates in a manner that is consistent with the principles of ecotourism*
2. *To educate all stakeholders about the concept of ecotourism, the economic opportunities that it offers, and the actions that are required to develop a successful industry in Sri Lanka*
3. *To expand the range of ecotourism products, services and facilities available in Sri Lanka*
4. *To increase the number of Sri Lankans involved in ecotourism and facilitate the development of community-owned and managed ecotourism enterprises*

5. *To contribute to and influence a more sustainable form of tourism in Sri Lanka, through a diverse range of measures; incentives, education, guidelines, regulations and marketing*
6. *To contribute to conservation of natural eco-systems*

These principles and objectives lead to sustainable tourism, and all the principles and objectives fulfill the requirements mentioned in the ecotourism concept.

In the national wildlife policy seven objectives have been identified. The two objectives are as follows:

1. *To ensure sustainable use and equitable sharing of benefits, arising from the direct and indirect use of wildlife resources and ecosystems.*
2. *To encourage the private sector and communities to join as a full partners in all aspects of the wildlife-conservation process.*

Private sector and community participation in the park management and ensuring sustainable use and equitable sharing of benefits, arising from the direct and indirect use of wildlife resources and ecosystems are emphasized in the policy. These policy objectives/statements direct the DWC for the ecotourism development.

The twelfth policy statement on protected area management and wildlife conservation says:

"To facilitate eco-tourism in protected areas, to the extent that it provides benefits to local people and does not damage the ecosystem concerned"

Based on the above policy statement the DWC has given the policy direction for ecotourism that provides benefits to local people. In other words Department has identified the ecotourism as a protected area conservation strategy. The ecotourism has been defined in the national Wildlife Policy as nature based tourism that is sustainable, includes environmental education and supports conservation'.

The policy on Ecotourism and VSE of DWC says *"Ecotourism is based on nature tourism that is sustainable, includes environ-*

mental education and supports conservation. In many locations an integral part of the latter is to enhance the quality of life of local peoples such that they will not be obligated to extract protected area resources in order to survive."

According to this statement the national park are a key part of the tourism industry in Sri Lanka and their importance will grow as the awareness of Sri Lanka as an ecotourism destination increases.

The latter part of the preamble further says that ecotourism helps conservation managers achieve their goals in several ways:

- helps build support for conservation among the public
- helps generate revenue for conservation purposes;
- helps build positive relationships with local villagers through sharing benefits, income and employment with communities;
- helps take advantage of public and private sector skills.

Therefore ecotourism could be considered as a wildlife management tool.

Furthermore it is a Departmental mandate under the National Wildlife Policy and FFPO to provide appropriate recreation and education opportunities.

To facilitate the above requirements in policy on visitor services and ecotourism, the DWC is committed to providing appropriate visitor services within the parks and co-operating with the tourism industry, government agencies and other stakeholders in improving the quality of the visitor experience. This policy, along with the National Policies on Wildlife and Ecotourism, articulates the principles by which the Department will operate in the provision of visitor services.

1.3 Provisions for major aspects/ components of ecotourism

The policies in the national ecotourism have been discussed under six headings i.e. Planning and regulation of the ecotourism industry, developing, managing and operating ecotourism facilities and activities, Ecotourism at

natural and cultural heritage sites, Community/local economic development, Conservation, education and awareness and Implementation. All these policies give the policy direction for sustainable tourism based on the ecotourism concept. In addition, community participation and well being of local community, conservation education, visitor safety, and resource protection are emphasized in these policies.

In the national ecotourism policy, there are guidelines for design and development, visitor management and presentation and interpretation. The principal aim of these guidelines is therefore to act as a checklist for developers, operators and resource managers in the promotion of a quality sustainable tourism product. It is mentioned in the policy that when correctly applied, the guidelines will provide opportunities for affecting visitor perception of Sri Lanka and developing awareness and conservation oriented values.

Under the design and development guidelines, environmental design considerations have been discussed. Wildlife aspect has been considered. That section says that sensitive wildlife habitat areas should be avoided. Encouraging wildlife to remain close to human activity centres enhances the visitor experience. This can be achieved by maintaining as much original habitat as possible. Creating artificial habitats or feeding wildlife could have disruptive effect on natural ecosystem and should normally be avoided.

The visitor management guidelines emphasizes the internationally accepted management approaches i.e. zoning, protected area designation, integrated coastal zone management, visitor Carrying Capacity including Limits of Acceptable Change, environmental indicators and visitor management indicators.

Guidelines on presentation and interpretation describe the graphic panels, brochures and leaflets, guide books, audio tours, audio visual presentation, guided trails, self-guided trails, visitor centres and etc.

Section 2A of FFPO is for the control and management of facilities within a national reserve. Section 2A says:

“The Director General of Dept of Wildlife Conservation shall administer, control and manage the facilities or services which are to be provided within any National Reserve.”

According to this section, involvement of private sector in providing visitor services or facilities are restricted within the National Parks and all the services should be provided by the Director General. It is argued that even the restaurant or canteen operation by private sector is against the FFPO. Therefore concession development and partnership building in visitor services for local community participation is not allowed in national parks.

Section 3A of FFPO is involved in banning on establishment and operation of tourist hotels within one mile from the boundary of national reserve.

“No person shall, within one mile of the boundary of a National Reserve, construct a tourist hotel or provide any services or facilities similar to the services or facilities provided by a tourist hotel”

In ecotourism development, local community should be benefited and motivated to provide facilities for visitors those who visit the national park. The local community lives close to the national park and according to this section ecotourism promotion is restricted. At least the local community is unable to provide any services or facilities similar to the services or facilities provided by a tourist hotel.

The visitor services and ecotourism policy has discussed six aspects i.e. fees, accommodation, visitor management, interpretation, and transport within the park and recreational activities within the national parks. Under the each aspect, goals and policies have been set out. All these policies are conservation oriented. Local community participation, private sector involvement, public support and inter agency coordination aspects have been discussed in detail. For example, in the transport aspect the private sector group transport systems policy is encouraged.

“Where possible, minimum emission vehicles will be used for in park transport by the park (eg use of gasoline rather than diesel, electric vehicles, boats, etc.”

Under the policies on recreational activities visitor activities diversification is emphasized. It is also mentioned that a policy to encourage local community participation for recreational activities. The policy is as follows:

“Where possible non-motorised forms of recreation will be encouraged that support local communities”

The policies on accommodation encourages the local community or private to provide accommodation facilities outside the park instead of providing same facilities by the Department of Wildlife Conservation. The goal of accommodation is as follows:

“To minimize disturbance to park ecosystems while maintaining and improving current accommodation facilities and encouraging appropriate and controlled developments, outside the park”

It is noticed that all the goals mentioned in the policy document for resource protection biodiversity conservation, visitor safety and providing high quality visitor experience.

The goal of interpretation is to ensure that every visitor to a national park leaves with a heightened awareness and understanding of the park environment and the culture and conservation value of Sri Lanka through exposure to a range of interpretive services. The most important part in the policy is that public sector and private sector roles have been recognized and tried to regularize the visitor services.

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The all policies mentioned in the policy on visitor services are supportive for ecotourism development in the national parks. In the national wildlife policy under the Policy on

institutional Support for Wildlife Conservation, amending or revising the legislation as necessary to support the implementation of this policy has been identified as an objective. Although the policy on visitor services and National Wildlife Policy have been drafted, the main legislation is the FFPO which has to be revised to fulfill the requirement of ecotourism. In addition, there are failures in the departmental management in implementation of policy on visitor services.

Table 1 shows the summery provisions of existing legislation for allowing tourism and ecotourism, and tourism promotion at national parks in Sri Lanka

According Table 1, existing legislation is supportive for tourism development at national parks. The main legislation on park and wildlife management is FFPO and which does not encourage and provide directions for tourism/ecotourism promotion at national parks. According to the definition of ecotourism three major aspects should be fulfilled in ecotourism. Except, contributing to natural resource conservation through nature interpretation and environmental education, FFPO does not provide provisions for "environmentally conscious nature-based travel enjoyed by people interested in learning about the nature, history and culture of the area visited and providing economic and social benefits to host communities by expanding the community's economic base,

Interactions between the private sector and DWC are very limited and often hostile in nature. Each has yet to realize the potential of a productive partnership between the two.

2. Relationships among the existing laws and policies in Ecotourism development

National Ecotourism Policy provides the vision and guidelines for ecotourism development in all sectors in Sri Lanka including wildlife. The Tourism Development Act also supportive to achieve that goal. National Wildlife Policy provides the vision and policy guidelines to the DWC on ecotourism development in protected areas. Based on the National Wildlife Policy, Strategy for Visitor Services and

Ecotourism development in protected areas has been developed. On the policy guidelines, provisions should be included in the FFPO which administers all activities including tourism within protected areas legally.

National Ecotourism Policy and National Tourism Act are inter related and supportive each other. The wildlife tourism sector is a niche market and general ecotourism sector and wildlife tourism sector are not closed ant totally different from each other. The gap between FFPO and other tourism legislations in ecotourism development could not be filled.

The FFPO was enacted in 1938 for preservation of wildlife in Sri Lanka, and other legislations were drafted recently. It is revealed that FFPO was not drafted based on the vision and policy guidelines mentioned in other legislations. Therefore, there is no close relationship between FFPO and other legislations. Although, National Wildlife Policy and VSE strategy for DWC provide the policy directions, ecotourism activities could not be operated in protected areas due to restrictions mentioned in the FFPO.

3. Review of Legal Framework For Ecotourism Concession Development in Protected Areas

The FFPO and policy on visitor services and ecotourism provide the enabling legal and policy frameworks respectively. In addition, the development of all concessions must be consistent with the respective national park management plan in general and zone definition in particular.

There are important operational considerations to be resolved before concessions can be developed. These relate to licensing, revenue, safety and monitoring, and it is recommended that the DWC form a committee to address these issues from a departmental perspective. The committee will need participants with financial and legal expertise as well as ecotourism and field operations perspectives.

Development of an elephant safari concession should receive priority. Such concessions are routinely used throughout much of Asia. Three potential sites are discussed. Priority

should go to Minneriya National Park where there is a good chance of success and considerable work already done on route planning.

Boating is also used by many national parks throughout the world, including extensive use in some of the closest parks in India. Three main sites are discussed Kaudulla, Uda Walawe and Gal Oya and all these have considerable potential for successful concessions.

Cycling as a recreational activity is growing strongly throughout the world. Most parks in Sri Lanka are not well suited to this activity due to the presence of elephants. Horton Plains National Park, however is an excellent venue and it is suggested that a trial concession be developed at that park in concert with a CBO from Pattipola.

All the project sites will have gift stores in their visitor centres. Arrangements need to be developed as soon as possible about how these will be run. The Yala store is a possible model, especially if greater attention is paid to the sale of local products.

4. Generic Issues Related to Concession Development in Protected Areas

4.1 Legal and Policy Considerations

All activities within PAs administered by the DWC are legally bound by the FFPO. It is understood that there will be no legal impediments to the development of appropriately permitted recreation concessions within the parks. Furthermore, given the strong regulatory powers accorded the DWC by the Act there is strong legislative support to control the activities of concessionaires.

A policy on *Visitor Services and Ecotourism* was approved by the DWC in 2004. The policy states that: "The Department of Wildlife Conservation is committed to providing appropriate visitor services within the parks and co-operating with the tourism industry, government agencies and other stakeholders in improving the quality of the visitor experience" (DWC, 2004)

Several provisions of this policy relate to concessions and in particular:

Recreational Activities:

Goal: To encourage appropriate recreational activities within national parks consistent with biodiversity conservation and to enhance public support for conservation, conservation education and the health and spiritual values of parks.

Policies

1. The DWC shall promote as diverse a range of appropriate conservation-oriented recreational activities as permitted by considerations of visitor safety, biodiversity conservation, costs and the approved management plans of each park.
2. Where possible non-motorised forms of recreation will be encouraged that support local communities.
3. Commercial recreational activities, where permitted, will pay a fee, as determined by the Director-General, DWC, for park use.

Transportation:

Goal: To minimise the environmental impacts of transportation services in traveling to and in parks while providing for appropriate park access for visitors and enforcement purposes.

Policies:

1. Private sector group transport systems using minimum emission vehicles will be encouraged within the parks.
2. A diverse range of appropriate transportation modes (eg mass transit, paddle boats, boardwalks) will be identified in park management plans to stimulate visitor interest and protect park resources.
3. Commercial safari vehicles must obtain a yearly license from the DWC to operate within each national park certifying their suitability to operate in each park and knowledge and understanding of park regulations.

In addition to the policy on visitor services and ecotourism, concessions must be consistent with the Management Plan for each park, and in particular the zoning plan regarding service provision (Anon, 2005).

4.2 Operational Considerations

Common to many of the potential concessions discussed in the next section are operational considerations that need full discussion by the department. Associated with all activities are certain costs and benefits. Establishing a suitable regulatory framework is a key to ensuring that benefits are optimized and costs minimized. In particular the department needs to pay attention to the following issues:

- **Licensing:**

- o Will concessionaires have to obtain a license and how will they do so?
- o Will there be conditions related to the license and if so, what are they?

It is strongly recommended that some form of licensing system be developed that requires periodic renewal. This allows the DWC to exert strong control over the concessions. Licenses will not be renewed for operations that have not performed in a satisfactory manner. License contracts often outline the rights and responsibilities of each party and might include details on:

- o Minimum or compulsory trading hours
- o Standards for consumer service
- o Environmental practices
- o Pricing policy
- o Public access to facilities
- o Infrastructure maintenance responsibilities
- o Signage
- o Advertising
- o Staff and operations accreditation standards
- o Design of facilities.

- **Revenue:**

- o How much should be charged and who decides?
- o Who will sell the tickets?
- o How will revenues be shared between the park and the concessionaire?
- o Who will pay for and maintain facilities?

For concessionaires to become involved in service provision there must be a financial inducement, that is, there must be a way for them to make money. In the provision of tourist

services the market ultimately decides whether this will be the case. There must be a surplus of revenue over operating costs. The price charged to the customer for the service must be attractive compared to alternatives. For example, for a concessionaire to charge Rs.1,000.00 for an elephant ride in Kawdulla, there has to be additional benefit over the Rs.600.00 that such a ride might be available for outside the park. In an ideal concession there will be a willing market to pay a higher price for a national park experience that will realize profits both for the operator and the DWC. This is what the DWC should aim to achieve.

Facility ownership within the park (eg boat jetty, elephant loading platform) is generally paid for and maintained by the park. Moveable capital (eg elephants, boats) are usually provided by the concessionaire, although lease arrangements might be useful in some circumstances (eg for CBOs).

- **Safety, liability:**

- o Who will establish and monitor safety standards?
- o Who will be responsible should an accident occur?
- o Will participants sign a waiver? by the concessionaire, although lease arrangements might be useful in some circumstances (eg for CBOs).

- **Safety, liability:**

- o Who will establish and monitor safety standards?
- o Who will be responsible should an accident occur?
- o Will participants sign a waiver? Safety is an important issue for the operation of concessions and managers should seek professional legal advice of matters of liability. All concessions should seek to achieve international safety standards.

- **Operations:**

- o How will operations be monitored on a day-to-day basis?

Although concessions will have formal reporting requirements (see below), provision

must also be made to ensure that there is some regular contact with park staff to monitor day-to-day operations.

- **Reporting:**

- o What will be the reporting requirements for the concessionaire?

It is important to specify performance management targets for the concessionaire and ensure that these are independently monitored.

The FFPO does not currently allow for the involvement of the private sector in many aspects of park management. This, for example, has particularly curtailed the provision of appropriate accommodation in proximity to park. There are also no provisions for the granting of concession agreements for service provision. Concessions are contracts with the government that give the holder of the contract (the concessionaire) the right to provide services to tourists visiting protected areas. At the moment such involvement is not allowed under the FFPO. A concessions policy is also required to create a frame work for such agreements. A comprehensive concession's policy will be entrusted by DWC through the formulated new policy on visitor services.

The important clauses for the ecotourism development at national park were only considered in the present study. The clauses and provisions in the legislation were reviewed based on the ecotourism principles.

CONCLUSIONS & RECOMMENDATIONS

The main existing legislation of Department of Wildlife Conservation which is FFPO has provided minimum support for ecotourism development in National Parks. There are also generic issues found in the FFPO for ecotourism development at national parks. It is also recommended to implement the drafted ecotourism and visitor services strategy for DWC and based on that the FFPO has to be revised allowing provisions for ecotourism development.

In addition, one basic problem is a lack of communication channels. These communication gaps could be found not only among the

government and private sector but also among the government institutions. Each government institution work alone within their working territory. Suggestions are made as to how this can be addressed, including the DWC hosting the Ecotourism Forums yearly and Sri Lanka Tourism Development Authority forming a Multi-sectoral Task Force on ecotourism. Substantive changes are also required in terms of legislation, policies and regulations. Perhaps the most fundamental change though is one of attitude towards each other. The roles of public and private sector in ecotourism should be identified as follows (Table 2):

It is also found that the relationship between DWC and local communities has also often been characterized as hostile, with disputes over boundaries, encroachments, illegal use of resources and a general lack of understanding between the two parties. In many places round the world this has also been the pattern, often park agencies are now required by law to include local communities in their planning activities. The National Policy for Wildlife Conservation also requires that local people be consulted in the process of decision making, actively participate in implementation and receive direct benefits from the management of protected areas. The direct benefits could be taken through promoting visitor services and ecotourism. The major barrier of ecotourism development at national parks is FFPO, and that should be revised and updated to implement the policies drafted in various documents.

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