

Economic and Legal Analysis of Ecotourism

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Abstract: With the rapid economic development in China and the improvement of people's living standards, the concept of "ecotourism" has been accepted by more and more people. This kind of tourism, which not only protects the natural environment, but also makes tourists happy physically and mentally People's favorite. However, the ecotourism industry in our country brings huge economic benefits to people, meanwhile, it also exposed a lot of problems, mainly manifested in the environment of ecotourism scenic spots has been destroyed in varying degrees, the environmental carrying capacity has reached its limit

Keywords: Economic, Legal Analysis, Ecotourism

1. INTRODUCTION

With the further development of tourism, especially the increasing international tourism brought by globalization, the destruction of environment in various tourist activities is worsening day by day, forcing people to start from the higher requirements to explore the real "Eco-tourism". For example, Bunos pointed out in 1992 that "ecotourism is a responsible tourism and tourists should recognize and consider the impact of their actions on the local culture and the environment." 4 WWF also defined its definition Was amended to "promote the conservation and sustainable development of nature through the objective of appreciating and studying natural landscapes, wildlife and related cultures, raising funds for protected areas, creating job opportunities for local residents, providing environmental education to the public, Natural tourism. "5 This definition highlights the tourist's responsibility on the one hand, that is, it should have a positive effect on tourist destinations.

2. OVERVIEW OF ECO-TOURISM LEGAL SYSTEM

The legal system of ecotourism should refer to the organic system of legal norms that the social relations formed in the development, utilization, protection and management of ecotourism resources are the objects of regulation. Its adjustment targets are the social relations between government-related authorities, tourism developers, tourists and residents of the surrounding communities in the tourist area during

the development, utilization, protection and management of ecotourism activities, and in the process of development The relationship between the upper and lower administrative leadership and peace and cooperation between the management departments and so on. It also has rich content, which includes not only the social relations formed in the process of developing tourism using ecotourism resources, but also the social relations formed in the process of protecting ecotourism resources as well as in the prevention and control of ecological resources pollution In the formation of social relations. The legal system of ecotourism is an integral part of the legal system of environmental resources. It has been established and developed on the basis of the legal system of traditional environmental resources, yet it breaks through the framework and content of the legal system of traditional environmental resources and leads the new development of the legal system of environmental resources direction. The legal system of eco-tourism belongs to a special aspect in the field of environmental resources law. First of all, in the form of law, the legal system of ecotourism includes the specific forest law, water resources protection law, wildlife protection law, scenic area protection law and nature protection zone law in the legal system of traditional environment and resource protection Basic law, more importantly, is some special or special legislation that comes with the emergence and development of ecotourism. Secondly, in terms of content, some basic principles and systems that have been approved by the environmental laws of other countries in the legal system of traditional environmental resources, such as who should develop the principle of protection, the principle of public participation, the prevention and the combination of prevention and control Principles, environmental impact assessment system, environmental planning system, "three simultaneous" system, environmental standards system, sewage declaration hierarchy, are also some basic principles and systems that must be followed in the development of eco-tourism, and must be based on these principles and System as a benchmark in order to extend the unique principles and systems of eco-tourism law. Moreover, the development, utilization, protection and management of ecotourism resources are also a way of exploitation,

utilization, protection and management of environmental resources. Therefore, we say that the basic theoretical framework of ecotourism legal system and environmental resources law is consistent. Further improve and develop the legal content of environmental resources, the basic elements of the legal system of environmental protection resources to a new level. Finally, in terms of characteristics, the basic characteristics of the legal system of environmental resources, such as social welfare, technicality and comprehensiveness, are also in line with the basic characteristics of the eco-tourism law. However, the difference is that the essential attribute of the eco-tourism law is only one

3. ANALYSIS OF THE STATUS QUO OF THE LEGAL SYSTEMS RELATED TO ECOTOURISM IN CHINA

The construction of laws and regulations on the protection and management of eco-tourism resources in our country is far from being in line with the international standards. Even with some developing countries, there is still a big gap between them. Generally speaking, the number is small and the intensity is weak. The ecotourism legal system of our country is an integral whole which is composed of the laws and regulations of all departments of ecotourism related fields in our country. The legal community usually understands the system from two aspects: one is the legal representation of each specific department that constitutes the system, and the other is the constitutional system of the basic system that regulates the subject's behavior in the field.

Since the establishment of the first scenic spot in our country, after 20 years of development, a huge ecotourism resource system has been established, including various types of World Heritage, World Geopark, World Wetland Reserve, scenic area and forest park. Some of these ecotourism scenic spots belong to the national level, some belong to the provincial government, while others belong to all the county governments. However, over the years, China has been subject to the principle of territorial jurisdiction, which is also called the "decentralization management" principle, not only for the eco-tourism scenic spots at provincial, prefectural and county levels, but also for national ecotourism scenic spots.

The so-called "decentralized management principle" is essentially a decentralization of power. That is, the state grants most of the administrative powers of ecotourism scenic spots, such as personnel rights, financial rights and management powers. For example, the world's first dual heritage of material and cultural heritage, the first in the Five Sacred Mountains of China, is the Taishan Scenic Area, which should have been under the direct jurisdiction of the specialized agencies of the state. As a result, the power was delegated to the small Taian city. In the 1980s, some well-known scenic spots in Beijing,

such as the Great Wall of Badaling, the Shidu scenic area and the Ming Tombs scenic area, were delegated to the governments of Yanqing County, Fangshan District and Changping District respectively.

Community participation system, also known as community participation system, is an inevitable problem in the development of tourism industry and an important part of ecotourism. The definition of ecotourism by the International Ecotourism Association in 1993: "Tourism activities that have the dual responsibility of protecting the natural environment and maintaining the lives of local people", using community participation as a criterion for ecotourism is also the distinguishing feature of ecotourism from that of traditional tourism. It is also one of the ways to realize the sustainable development of scenic spots. The term "community resident" as used here refers to the local indigenous people who live in ecotourism landscapes, that is to say, the population excluding temporary tourist arrivals.

4. CHINESE ECO-TOURISM-RELATED LEGAL SYSTEM DEVELOPMENT STRATEGY

First, the principle of sustainable development must be the basic principle. This principle reflects the core values of the concept of ecotourism. We must coordinate the economic benefits brought by ecotourism with the ecological and social benefits, and never blindly pursue economic benefits.

Second, seek truth from facts, everything from the reality, a reasonable absorption and use of advanced foreign experience principles. This is the basic principle of Chinese legislative activities, and it is also the basic principle of building a legal system of ecotourism. While studying the development of the legal system of ecotourism in foreign countries, we should borrow some of their advanced management systems, such as ecotourism planning system, access system, resource evaluation and management system, community participation system and so on, so as to change our country's eco-tourism legislation System deficiencies, and promote the legalization, standardization and proceduralization of ecotourism.

In addition, the traditional idea of "vertical management" existed in the original tourism legislation must be changed. That is, it only needs to pay attention to the administration of tourism enterprises and tourists by national authorities, and should adjust the horizontal economic relations among various economic entities, That is, the rights and obligations of tourism developers, travel agencies, tourism consumers, residents of tourism communities, various types of environmental non-governmental organizations and tourism associations.

Finally, we should pay attention to the practical operation of the whole system. While stipulating some basic principles, systems and guiding ideology with a large scope, specific rules and regulations must be supplemented and detailed specifications for

specific implementation of ecotourism, such as various types of standards and norms, various levels. The specific measures for the identification of ecotourism scenic spots, the measures for the protection of ecotourism scenic spots, the supervision and management measures, the standards for punishments, the residents' land occupation and the compensation standards for relocation, etc., facilitate the specific implementation of law enforcement agencies and the legal application of judicial organs. Earlier we discussed the development of ecotourism in our country existing "decentralized management system" to a certain extent, to adapt to the initial stage of Chinese tourism development, it can make the country's financial throw a certain burden, but also mobilize the local government, enterprises. And the people's enthusiasm for developing tourism, especially in areas that rely on tourism to get out of poverty. However, with the development of social and economic conditions, more and more people are involved in tourism and the environmental damage caused to ecotourism scenic spots is getting more and more serious. This "pure decentralization" territorial jurisdiction has produced a one-sided The pursuit of economic efficiency, the lack of supervision and a series of drawbacks, so we must reform it. In addition, many enterprises in our country operate ecotourism scenic spots, gather money with government departments and public institutions, and government and enterprises are indissoluble, making many ecotourism scenic spots a tool for making profits and benefiting the government from this kind of enterprise management. Patterns also need to change. This approach must be clear at different levels of ecotourism what are the differences. The author believes there are mainly three different aspects: First, scenic areas of different levels and high levels, such as World Heritage sites and World Geoparks, should give top priority to protection by fulfilling our commitment to the people of the world as the first priority, appropriate commercial development of tourism; and some lower eco-tourism scenic spots can allow more commercial development, so that the general public more involved and enjoy the joy of tourism. Second, there are differences in the attitude of tourists. In commercial development more low-level scenic spots, scenic area is basically a commodity, follow the general principle of commodity management, so the interests of tourists on the highest place, tourists are God, all services are to make tourists better Of the enjoyment of tourism itself; and higher-level scenic areas should be more public welfare, the people have the same rights, but also made higher demands on tourists, tourists need to better integrate into the landscape itself, with the overall harmony of the scenic area For the highest pursuit of goals. Third, the evaluation criteria for the level of scenic spots are not the same, the lower the level of eco-tourism scenic spot evaluation criteria

should be scenic sanitation, reception level, excursion comfort prevail, while the higher level of the scenic area should be its ecological The preservation of the original appearance integrity and authenticity as the primary evaluation criteria, and should no longer be to the scenic area operating conditions to evaluate their level of good or bad.

With the development and expansion of ecotourism in our country, the gradual implementation of various ecotourism legislation will inevitably require a good legal supervision system to ensure the implementation of various laws and regulations and ensure that this undertaking is headed in the right direction. However, as mentioned above, at present, China lacks a complete system of laws and regulations in this field and lacks a professional law enforcement team. Without setting up a special law enforcement agency, it is often not punishable by law and the mistakes can not be rectified in time. As a result, The predatory exploitation, rule-based and ineffective management of scenic spots for profit-making are not uncommon and can not be effectively controlled and supervised. The legal supervision system has not played its due role. To this end, we must improve the legal supervision system of ecotourism through a series of measures. We must set up a special system for the administration of ecotourism scenic spots according to law to supervise the development, protection and management of ecotourism under the various departments under their control. According to the "hierarchical" management mode we designed above, there should be a supervisory system from top to bottom in our country. First of all, as the owner of an ecotourism scenic spot, all the people in the country have the right to supervise the activities of ecotourism scenic spots implemented by administrative organs, institutions and social organizations at all levels in our country. This is the core of the entire supervisory system. Laws and regulations must be protected. Then, the State Council and people's governments at all levels, as the representatives of owners of ecotourism landscapes, delegated the right of management to the competent tourism administrations at all levels of government and supervised their actions. And then the competent tourism departments at all levels of government should, according to their own terms of reference, send out some special administrative agencies to the ecotourism scenic spots to take charge of managing daily affairs and supervise the management agencies sent to ensure their management activities. At the same time that this vertical monitoring system exists, our government should also give certain kinds of environmental protection laws and regulations to certain supervisory powers of non-governmental organizations in tourism and supervise the administrative actions of the relevant government agencies and strengthen the environment Censorship

of non-governmental organizations. Through various complaints phone, complaint websites, professional surveys, etc. to give every citizen the right to supervision of the country, to ensure that people at any level of tourism authorities and their agencies to monitor the illegal behavior and complaints, making ordinary citizens' complaints and supervision The channels through which rights are exercised are smooth. Establish various kinds of incentives for citizens who report illegal activities and increase their enthusiasm for participation in supervision.

Change our country in all aspects of environmental protection are ubiquitous problems, that is, environmental pollution has occurred after the case of ecological damage, take appropriate remedial measures to control pollution and restore ecology. Establish various regulatory mechanisms before the pollution occurs and before the ecology is destroyed, formulate "ecotourism environmental impact assessment system" as soon as possible, and adopt various measures including hearing at the project demonstration stage to develop and construct a certain scenic spot Or the launching of a certain project may assess the environmental impact caused by the surrounding ecological scenic spots, listen to the opinions of all parties and accept the supervision of all parties so that each project meets the interests of all parties as much as possible and better protects the ecological scenic spots surroundings.

5. CONCLUSION

To build a complete legal system of eco-tourism, clear the basic principles of building this system, and in principle designed the basic framework of the legal system in line with Chinese reality. It is necessary to

reform the management system of decentralization of ecotourism scenic spots in our country and establish a "polarization management system" to divide scenic areas of different values into different levels. Each level of scenic areas gives rights and obligations to all the parties Different rules. It is necessary to construct our own ecotourism community participation system, clarify the ownership of the land in the scenic area and the problem of land compensation, and give the surrounding community residents the right to participate in the decision-making of major scenic spots. It is necessary to further improve the legal supervision system of ecotourism in our country, establish a complete and diversified supervision mode, strengthen supervision in advance and clarify the targets of supervision.

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