

Sustainable Tourism Law

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Local developments of the world summit on Sustainable Tourism+ 20: The municipal sustainable charter of surf in Aljezur, Portugal

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ABSTRACT

The object of this article is to question and answer whether an international normative instrument in tourism sustainability can be effectively implemented into the local governance plan. The research focused on a set of exercise problems of the governmental action put forth by a rural municipality, of low population density, but featuring a strong tourist intensity characterized by a dominant seasonal tourist-recreational-maritime activity: surf. Based on methodological instruments of a systemic nature linked to sustainability and law, it was possible to propose a municipal tourism sustainability charter adopted in 2017 by the municipality of Aljezur, in the tourist region of Algarve, Portugal. This may well be one of the first worldwide normative documents to adopt, complement and operationalize at a local level multiple concerns, suggestions and recommendations for local governance and sustainable tourism law originating from the World Summit on Sustainable Tourism+ 20.

Keywords: soft law, sustainability, surf, tourism, municipal charter, local, governance.

I. INTRODUCTION. THE PROBLEM OF RESEARCH

The World Summit on Sustainable Tourism + 20 (WSST+20) took place in Vitoria, Spain, in 2015. It was inspired by thirty-two declarations of sustainable international

commitments, charters, conventions and codes of conduct; Beginning with the World Heritage Convention Concerning the Protection of the World Cultural and Natural Heritage of UNESCO, 1972, and ending with the UNWTO 2015 Bethlehem Declaration on Religious Tourism, which took place in Palestine. This summit featured several calls for action after a preamble of consensual agreements.

The calls for action are directed to governments and international organizations (1), local communities and destinations (2), the tourism industry (3), consumers (4), researchers, development agents and trainers (5) and networks and NGOs (6). It is widely considered one of the most complete and up to date international documents in the matter.

These calls for action are designed to project, to express an intention, to propose and build paths for the future as instruments of governance and “soft power” (Nye, 2010; Nadas, 2012). They can be conceptualized as a kind of preliminary plan (Goeldner and Ritchie, 2009). According to Fernandes (2017), these calls for action are recommendations of international soft law that prepare the way for binding rules (hard law) in the future.

In the WSST+20, the calls for action of local communities and destinations should, among other aspects:

- a) Ensure that the governance of tourism destinations includes all stakeholders, especially at the local level and that the roles and responsibilities of each are clearly defined;
- b) Empower local communities and indigenous peoples, as well as facilitate their participation in tourism planning and development, taking the necessary measures to maximize the economic benefits of tourism for the host community;
- c) Create strong links with the local economy of destination and other economic activities in the environment;
- d) Preserve destination values by outlining processes to monitor change, evaluate threats, risks and opportunities, while allowing public and private leaders to sustain the destination’s sense of place.

Regarding the motto “Partnerships for a sustainable future”, the world summit declares that:

- a) The participation and collaboration of all public and private stakeholders involved in tourism activities is a necessary contribution to the active

importance of tourism for sustainable development; such consultation must be based on effective mechanisms of cooperation and partnership in all areas, both at the destination and at the international level.

- b) It is essential that ethical codes and sustainability guidelines be adopted and implemented for industry, tourists, governments and local authorities.

In terms of the motto "Redistributing wealth and seeking peace", WSST+20 advocates that the local community must take a central position in the new models of sustainable tourism, always considering this activity as an instrument to improve the quality of life and the well-being of the local population.

The problems of an investigation directed towards a sustainable local government of a tourist destination are the following: How can processes be operationalized and created through local regulations for the calls of action and recommendations of the WSST+20? What local regulation can be an instrument of a sustainable tourism governance? What dimensions and strategies should be considered in a sustainable local regulation of a tourist destination?

In a year (United Nations, 2017) declared by the United Nations as an international year of sustainable tourism for development, this research constitutes a challenge and an opportunity for any tourist municipality to become an agent and factor for the implementation of the WSST +20 principles. Thus, we would contribute to a cause as noble, just and universal as striving for global sustainability (Zimmermann, 2014).

II. METHODOLOGY. THE INVESTIGATION OF SURFING IN ALJEZUR

Aljezur is a Portuguese village belonging to the district of Faro, located in the tourist region of the Algarve, in the south of Portugal. It is the focal point of a rural municipality with a low population density. According to the data of the last demographic survey, it has 5.884 inhabitants in an area of 323.50 km² (National Statistics of Portugal-INE, 2011). The beaches of Aljezur are popular in the region for their exceptional surfing conditions. They constitute approximately 50 km of still intact coastline with a great variety of spots associated with environmental quality, with the regularity of waves and proximity between the beaches, thus allowing the practice of this modality throughout the year.

The municipality is located entirely in the natural park of Southwest Alentejo and Costa Vicentina. Therefore, land use in the territory is subject to strong environmental conditionings by Portuguese legislation, namely the regulation plan of the natural park, according to which municipal plans of territorial land use must comply, and the coastal zone planning. Consequently, the beaches where tourist and recreational movements occur, including surfing, must obey regulations and competencies of different maritime and environmental governmental authorities. For example, the regional harbourmaster (e. g. edict no. 3/2017, dated 02.02.2017 and published on the internet in http://www.amn.pt/DGAM/Capitanias/Lagos/Lists/Documentos_AMN/EDITAL%20003-2017.pdf) classifies the beaches and defines the criteria for granting licenses to surfing schools, the number of licenses given and the rules for their use.

Additionally, there is also a responsibility attributed to a national environmental entity, the Institute for the Conservation of Nature and Forestry. It is tasked with drawing up, within the regulatory framework of the natural park of the Southwest Alentejo and Costa Vicentina, a nature sport charter. This charter is supposed to define the places for the practice of sports activities (e.g. surfing), as well as the criteria for their proper execution to safeguard the densities of use, recreational carrying capacity and compatibility between the activities and the nature conservation aims (art. 52 nr. 1 and art. 81 nr. 3 of Regulation Plan n.º 11/2011 published in the PRD (Portugal Republic Diary) on 04.02.2011). Since this charter has not materialized yet, problems of institutional emptiness and lack of rules in territorial tourism governance exist.

Surfing tourism has grown steadily in the last decades (Buckley, 2002; Gonçalves, Mascarenhas, Sandro, & Pereira, 2013; Ponting & O'Brien, 2013) and is viewed as a potential source of development by communities and destinations around the globe (Martin & Assenov, 2014; Towner & Milne, 2017). However, the growth of commercial surfing activities, when unregulated, can have detrimental social and environmental impacts for communities, alongside minor economic gains (Buckley, 2002; Ponting & O'Brien, 2013).

Despite the economic benefits observed in those regions, various unfavourable environmental (e.g., pollution, damage of natural resources) and socio-cultural consequences (e.g., crowding, increase of social problems such as drugs, alcohol and prostitution, loss of cultural identity) of tourist activities put the territories under increasing pressure (Ponting, McDonald, & Wearing, 2005; Towner & Milne, 2017).

Surfing is acknowledged as a tourism product that can contribute substantially to the local economic development. Nevertheless, local leaders,

especially those in the municipality of Aljezur, are aware of the diverse impacts that such movement can bring to the local community, and of the necessity of managing it through regulations in a sustainable way. For this purpose, a research team from the Algarve University was hired by the municipality of Aljezur.

In Portugal, sustainability constitutes a general principle of the public tourism policy (art. 3 of Decree-Law 191/2009, published on 17.08.2009 in the PRD). The law defines three fundamental axes (art. 4). First, the enjoyment and use of environmental resources with respect for ecological processes, contributing to nature and biodiversity conservation. Secondly, the respect for the sociocultural authenticity of local communities, with a view of preserving and promoting their traditions and values. Thirdly, the economic viability of organizations as a basis for job creation, better private and public infrastructures, and entrepreneurship opportunities for local communities. A favourable redistribution of sustainability benefits to local communities is advocated as both a principle and a necessity for the intervention by the local authorities, in their roles as legitimate representatives of communities.

The three-dimensional perspective of sustainability based on the principles of ecological prudence, social equity and economic efficiency helped to design the investigation using triangulation techniques (Contreiras, Machado, & Duarte, 2016). In a world characterized by universal heritages, such as biodiversity and environmental conservation, education for world citizenship, peace, the fight against poverty and the strategy of smarter power, should all be based on forms of "soft power" (Nye, 2010). These call for a shared and committed exercise of power by a plurality of agents through the persuasion of common principles, causes and values (Moreira, 2014).

Many international organizations focused on tourism, environment and sustainability (e.g., European Commission, 2011; UNWTO, 2004) have issued "soft law" instruments (e.g., charters, recommendations, codes of conduct, manifests) that aim to inspire up to date statements on sustainable tourism. The World Charter on Sustainable Tourism + 20, launched in 2015 in the city of Vitoria, Spain (ITR, 2015), inspired the investigation. Such manifestations of goodwill have in common the fact of being a form of "govermedia" (Nadales, 2012).

Based on a narrative of "soft power" (Nye, 2010), the interested parties (stakeholders, in the sense remarked by Freeman, 1984) are invited to adhere to its propositions and aims, expressing a proposal of intention and projecting collective paths for the future.

Thus, the methodology has designed questionnaires that inquire about perceptions and consensus within the stakeholders (public and private) in a tourist territory in terms of this three-dimensional perspective of sustainability. Perceptions are understood as instruments of political evaluation and control (Stiglitz, 2012). Also, a systemic-functional perspective was adopted regarding sustainability regulation as a “balance of opposites” between durability of structures, long-term commitments, longer duration of rights and flexibility in the adaptation to the local context of exercise standards, control of rights and duties in order to improve functionality (Machado, 2010). Consequently, this allowed the creation of better local regulation plans that implement the principles of the WSST+20.

The questionnaires focused on the perceptions regarding the impacts of surfing activity, namely its strengths and weaknesses, as well as threats and opportunities in the social, environmental and economic dimensions. Participants were also asked about entities and resources to be involved in the development of surfing.

In May 2016, the invitation of the Aljezur City Council, whether in person or by e-mail, resulted in nine public entities participating in the study. The entities have different levels of intervention and power: national (e.g., Portugal Tourism Institute), regional (e.g. Commission for the Coordination and Development of the Algarve Region), and local (e.g. Aljezur Municipality). This allowed a plural, independent and dynamic participation of diverse visions and perspectives.

Surf schools operating in Aljezur were also invited. The questionnaire was applied in open invitation sessions organized by the City Council of Aljezur or, in some cases, by one of the members of the research team in the headquarters of the entities. Of the 31 surfing schools licensed to operate in the municipality of Aljezur, 24 have participated in the study, covering 77% of the licensed schools. Participants were also asked about entities and resources that would be involved in the development of surfing.

Other key stakeholders, namely beach users (surfers and swimmers) were surveyed. The questionnaires covered different dimensions in the three-dimensional sustainability perspective already mentioned (e.g. practices, motivation, satisfaction, safety, infrastructure and planning, municipal intervention, conflicts). These questionnaires were translated and applied in the Portuguese, English, German and French languages.

The data collected from the questionnaires (of surfers and swimmers) was performed in person, based on a random selection of the respondents present

at the moment, in several beaches of the municipality, especially those most frequented by surfers. A total of 318 questionnaires were collected from swimmers and 321 questionnaires were collected from surfers. The research was conducted from May to September 2016 and the final report of the study, including the formulation of a sustainable municipal management charter for the surf tourism product, was delivered to the municipality of Aljezur in December 2016.

III. ANALYSIS AND RESULTS

As suggested by the literature, the municipality of Aljezur can adopt a strategy of sustainable tourism governance in its territory through the symbolic power of manifestos, letters and good practices recommended by global and international organizations, although adapted to the local context and reality. The findings reported here can provide a useful advantage when tailoring such a strategy. In fact, the positioning of a sustainable tourism offer in a territory depends on the creation of a favourable framework of perceptions by the public and private agents involved in its formulation and dissemination. The framework, control and monitoring of municipal tourism sustainability are based on indicators of environmental, economic and social convergence of the problems, attributes and actions to be undertaken in the various activities that constitute tourism, in particular, those predominant in the use of the territory.

The indices of economic, environmental and social convergence between public and private entities included in the study carried out by the University of the Algarve, as well as the draft for the municipal sustainable charter of a surf tourism product identified as a "commitment charter", are accessible on the Internet site of the municipality of Aljezur. It can be accessed in <http://www.cm-aljezur.pt/pt/destaques/1579/estudo-do-produto-turistico-surf-no-municipio-de-aljezur.aspx>. An English version is also accessible in <https://sapientia.ualg.pt/bitstream/10400.1/10148/1/Draft%20Proposal%20Sustainable%20Municipal%20Surf%20Charter%20Aljezur.pdf> thanks to the efforts of the research team of the Algarve University.

A sustainable municipal management charter of the surf tourism product in the municipality of Aljezur has, therefore, been developed. It is a proposal for a declaration of the municipality of Aljezur's commitment to develop a sustainable

municipal management strategy for a tourism product with a strong presence in the territory based on: 1) a three-dimensional perspective on sustainability (environmental, economic and social); 2) the sustainability of a tourism activity as a temporary result of a convergence of perceptions about environmental, economic and social dimensions in the territory; 3) Convergence as the basis for a local tourism policy and a provider of balance between public and private opposing interests; 4) "Soft law" as an instrument of intelligent power for local authorities in matters of tourism sustainability; 5) Tourism sustainability as an instrument of "intelligent power" based on transversal, participative and well known scientific methods.

In line with the perspective that all scientific thoughts and data analysis procedures, including the laws, should be measured, quantified and parameterized (Ferris, 2013), we present the main principles in the "commitment letter" (Figure 1) of the municipality of Aljezur. They feature key words, rules and equilibriums that confirm the three-dimensional perspective of sustainability as an instrument of the "intelligent power" of the municipality.

Figure 1

Draft proposal of a municipal charter of the surf tourism product, Aljezur.
Considerations, Principles and Rules (the main equilibriums).

| Considerations | 9 | Balance, Well-being, Sustainability (Environmental) Institutions, Traditions, Values (Social) Responsibility, Viability, Opportunity (Economic) |
|------------------------|----|---|
| Main Articles | 10 | |
| Principles (Key words) | 9 | |
| Economic rules | 10 | Articles II – Article IV |
| Environmental rules | 9 | Article V – Article VII |
| Social rules | 9 | Article VII – Article X |

Source: Author's calculations.

The charter is a draft repository of local government principles and incorporates suggestions, strategies and recommendations resulting from the participatory public-private process on convergence indicators, demonstrating the importance of democratic methods in the organization and operation of institutions and the sustainable governance of territories, based on the ten articles presented. The first one describes general principles (sustainability,

socio-cultural authenticity, business economic viability, triple principle of economic, social and environmental responsibility of users and surf companies). The remaining nine articles are divided into three dimensions, successively economic (art. II to IV), environmental (art. V to VII) and social (art. VIII to X).

Based on the findings reported above, the proposal intends for the municipality to commit itself to participate in the preparation and elaboration of beach support plans (art. II nr. 3), developing its support activity to surfing based on strategic principles of cooperation (art. III.1) and improvement of public and private participation in the coordination, dissemination and tourism promotion (art. IV.2).

Regarding the environmental dimension, the proposal aims to demonstrate that surfing is carried out within a framework of qualifications, support and incentives to protect and enhance environmental resources (art. V nr. 1). In addition, it is advisable to regulate the activity through sport charters (art. VI nr. 2), as well as an annual monitoring of their practices and their environmental impacts (art. VII nr. 4). As for the social dimension, the importance of associating the local community of Aljezur with the benefits of the surfing activity is emphasized, namely, in the creation of direct and indirect employment (art. VIII no. 1), which should be included in the beach support plans, plans for the definition of the rights, duties and responsibilities of surfers (art. IX. nr. 3), as well as in the social development strategy. It is recommended to reinforce citizenship actions, involvement and awareness of local populations towards economic, social and cultural importance of surfing as a tourist product (art. X nr. 2).

A stable financial support is recommended in all dimensions (economic, environmental and social, respecting art IV no. 3, VII no. 4 and X no. 3). This is suggested to be obtained through the regulatory creation of municipal taxes or contracted public-private partnerships, legitimized by the purpose of its allocation regarding the actions attained in the highest economic, environmental and social convergence indexes, thus enabling a more effective exercise of municipal government action. As a final analysis, in order to measure the systemic equilibriums of a sustainable local regulation that can operationalize the recommendations for local organizations of the World Summit Sustainable Tourism + 20, we present the strategic lines that balance duration and flexibility as efficient regulation instruments in the municipal charter of Aljezur.

Figure 2

Draft proposal for the sustainable municipal management of the surf tourism product in the Municipality of Aljezur

SYSTEMIC BALANCE RULES

| Rules | Duration | Flexibility |
|---------------------------------|---|---|
| Economic (Art.º 2-4.º) | <ul style="list-style-type: none"> • Medium / long-term planning. • Beach support plans. • Long-term criteria for the recognition of merit and quality for the work developed by surf providers. • Stable, long-lasting and multiannual financial support to surf. | <ul style="list-style-type: none"> • Regular promotion in events. • Regular evaluation and monitoring of surfers' satisfaction/ motivation. • Incentives for the annual operation. • Supervise and evaluate the economic impacts. |
| Environmental (Art.º5.º-7.º) | <ul style="list-style-type: none"> • Assets of national/international value. • Charters of nature. • Good environmental practices. • Designed /programmed infrastructures/equipment for protection of natural heritage/ ecosystems/biodiversity. | <ul style="list-style-type: none"> • Research /evaluation of the seasonal load capacity on the beaches. • Supervise and evaluate the environmental impacts. • Appropriate allocation of time/ space for tourist flows. • Limitations for surf activities when exercised in particularly sensitive areas or insecure conditions. |
| Social (ART.º 8.º-10.º) | <ul style="list-style-type: none"> • Democratic principles of organization and operation. • Insurance systems. • Training plans for qualified human resources. • Codes of conduct. • Management plan for the definition of the rights, duties and responsibilities in surfing. | <ul style="list-style-type: none"> • Self-education, social interaction, learning. • Assistance systems. • Supervise and evaluate the social impacts. • Definition of timetables /conditions for the use of teaching areas. • Transparency in the communication of contractual information clauses and management plans. |

These strategic lines of local regulation are not only designed for surf activities but can include a systemic perspective of strategies for local regulations and plans for tourist areas in order to generate better sustainability performances and

practices, based on three-dimensional (economic, environmental, social) elements, rights, duties, responsibilities and liabilities.

CONCLUSIONS

Conclusions of the investigation:

- a) WSST + 20 detailed an international normative set of suggestions, paths and strategies for local authorities and communities towards sustainable tourism development, based on principles of feedback, assessment, monitoring and control of changes, threats, risks and opportunities for the tourist destinations;
- b) Small rural municipalities with few inhabitants but a strong seasonal seaside tourist intensity and a dominant tourism product are very challenging "territorial laboratories" regarding the capacity of the local authorities to apply strategies for sustainable tourist development;
- c) The municipality of Aljezur, Algarve, Portugal, which is part of a National Park and Nature Reserve protected by state laws and subject to the competences of several central public environmental and maritime entities on seaside activities, is a case study that challenges the capacity of local authorities to intervene in the implementation of sustainable tourism development strategies;
- d) The research of the case study conceived a methodology of triangulation for economic, social and environmental perceptions regarding surf as the dominant tourism product in Aljezur, with the participation of the stakeholders and the goal of evaluating convergence indices in these dimensions, which will allow to draw effective strategies for sustainable local tourist development;
- e) The results of the perceptions allowed us to design a sustainable municipal management charter for the tourist product of surf in the territory of Aljezur. The charter is composed of principles, rules and practices for soft law that weigh equitably the economic, social and environmental dimensions of sustainability, as well as the long-term commitment, with short-term monitoring and control operations also taking place;
- f) The municipal management charter is a local soft law regulatory document that, as a result of auditing, consultation and participatory democracy

practices was certified by external, independent entities linked to universities and researchers, allowing public and private agents to be transported to higher levels within a sustainable and institutional development framework;

g) The municipal management charter for the surf tourism product of the municipality of Aljezur was accepted as a public commitment letter, which is accessible on the Internet. It constitutes an innovative and pioneering regulation in the local transposition of international principles and recommendations for soft law, such as WSST + 20, thus allowing the municipality of Aljezur to take a step forward and become a part of the universal challenge constituted by sustainable tourism development.

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