

# Harmonizing Biodiversity Conservation and the Human Right to Livelihood: Towards a Viable Model for Sustainable Community-Based Ecotourism Using Lessons From the Donsol Whale Shark Project

*Ryan Hartzell C. Balisacan*

*57 ATENEO L.J. 423 (2012)*

*SUBJECT(S): BIODIVERSITY, HUMAN RIGHT TO LIVELIHOOD*

*KEYWORD(S): BIODIVERSITY, HUMAN RIGHT TO LIVELIHOOD, PARTICIPATORY DEMOCRACY, ECOTOURISM*

There is an emerging controversy between the people's right to livelihood and the responsibility to preserve biodiversity in international human rights law and international environmental law. The controversy arises from the perception that an elevated consciousness of environmental conservation is incompatible with economic survival. Seemingly, the various measures employed to protect the environment, such as declaration of protected areas and imposition of fishing regulations, result in income loss among those whose livelihoods primarily depend on the environment.

To resolve such problem, various proposals have been made to reconcile environment conservation with the human right to livelihood. Among these is the adoption of the ecotourism model, which has been defined as a "low impact nature tourism" that contributes to environmental conservation directly through the maintenance of natural resources and indirectly through the generation of revenues for nearby communities. By using the ecotourism model, there is a compromise between the people and the natural resources.

In ascertaining the balance that would have to be struck between biodiversity and the right to livelihood, the Essay focuses on the points of tension between the two and the viability of the ecotourism model in addressing the same.

The Essay is primarily divided into three parts. It begins with a context of the scope of its study and demonstrates how scholars began to recognize that human rights and environmental protection are, in theory and in practice, not mutually exclusive. Then, it validates this claim by isolating a particular human right, that is, the right to livelihood, and a particular environmental interest, that is, biodiversity. It illustrates how ecotourism, despite its flaws, eases the tension between the seemingly conflicting interests. Lastly, it argues that the sustainability of an ecotourism model can be attained with the participatory democracy approach. This is illustrated by

looking into the conservation experiment done with the Donsol whale sharks, through the joint efforts of the local government, non-governmental organizations, and the local community.