PESTEL Model Analysis and Legal Guarantee of Tourism Environmental Protection in China

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Abstract. On the basis of summarizing the general situation of tourism environmental protection in China, this paper analyses the macro factors of tourism environmental protection by using PESTEL model. On this basis, this paper explores the improvement paths of tourism environmental protection based on PESTEL model. Finally, it puts forward the legal guarantee suggestion of tourism environment protection.

1. Overview of China's tourism environmental protection.
China's tourism environmental protection is in the dual demand and contradiction between economic development and environmental protection. On the one hand, China's outbound tourism and inbound tourism continue to prosper, and contribute greatly to the promotion of economic and social development. During the period of 12th Five-Year, the comprehensive contribution of tourism to social employment was 10.2%, and the comprehensive contribution of tourism to the national economy was above 10%. As shown in Table 1.

| Indicators                        | Statistical Data            |
|----------------------------------|-----------------------------|
| Total tourism revenue            | ¥4.13 trillion              |
| Domestic tourism revenue         | ¥3.42 trillion              |
| Tourism Foreign Exchange Earnings| $113.65 billion             |
| Number of domestic tourists      | 4000 million                |
| Inbound tourist arrivals         | 134 million                 |
| Number of inbound tourists       | 25.99 million               |

Data sources: Xinhuanet.com. The State Council on the issuance of the "13th Five-Year" tourism development planning. http://www.cnta.gov.cn/zwgk/lygh/201612/t20161226_810476.shtml.

On the other hand, with the number and frequency of tourism growing sequentially, There is a series of problem happened in tourism such as resources over developed, ecological environment destroyed, tourist spot overloaded operation, tourism facilities damaged, service quality declined and so on.
Therefore, for the sustainable development of China's tourism industries and tourism environment, it is urgent to recognize the current situation and problems of tourism environmental protection from
various aspects, and explore the improvement path and legal guarantee of tourism environmental protection.

2. PESTEL model analysis of tourism environment protection in China.
This study uses the macro environment analysis tool PESTEL model, to sort out and analyze the current situation, problems and the main causes of China's tourism environmental protection.

PESTEL model is a method of analyzing external influence factors. Each letter in the PESTEL analysis model represents a factor, which can be divided into 6 major factors: politics, economy, society, technology, environment and law. As shown in figure 1.

![PESTEL model of tourism environmental protection](image)

**Figure 1.** PESTEL model of tourism environmental protection

2.1. **Political.**
Most of the tourist attractions have set up special management organizations to manage and protect the tourist environment. However, in the management system of the actual tourism environment protection, there are many management subjects. In the same scenic area, in addition to local governments, the construction departments, cultural relics departments, forestry departments, tourism departments and other departments also have the right to manage. This kind of "long leadership", "compartmentalization" and "fragmentation" affect the effective protection of tourism environment.

2.2. **Economic.**
Tourism is an important industry in the development of national economy, and plays a strategic and leading role in the whole national economy and social development. On the one hand, economic development is one of the reasons for the prosperity of the tourism industry. On the other hand, more attention has been paid to the protection of tourism environment. On the other hand, the development of tourism promotes the development of the local economy, but it is also a drain on the local tourist resources. With the enlargement of tourism industry scale, the negative influence of tourism environment is becoming more and more serious.

2.3. **Social.**
On the whole, driven by economic interests, individual travel agencies make inappropriate tourism development at the expense of the environment. Some tour operators and tourists lack the education of tourism environment protection, which make them lack of understanding of the tourism environment protection.

2.4. **Technological.**
Technological innovation promotes the ability to protect tourism environment. Some tourist attractions have introduced the engineering management technology, and analyzed the number of tourists and other factors, and received tourists within the allowable range of the environmental capacity of tourist attractions. Through the application of environmental protection technology, a number of tourist attractions from the use of new environmentally friendly materials, reduce tourism waste dumping and other aspects of tourism pollution reduction, improve the tourist attractions environment.
2.5. Environmental.
On the one hand, the development of tourism depends on the environment; on the other hand, because of the destructive nature of tourism, the development of tourism has also brought destruction and impact on the tourism environment. The destruction of tourism mainly includes the damage and pollution of natural landscape and human landscape, the destruction of natural ecological environment and tourist atmosphere.

The causes of damage to tourism environment can be summed up as two aspects: natural destruction and man-made destruction. Natural destruction mainly includes: natural weathering, catastrophe and unexpected events, etc.. Human destruction mainly includes: developers unreasonable development, managers improper management, tourists uncivilized travel, and so on.

2.6. Legal.
The basic law of tourism environmental protection is absent. So far, at the legislative level, China has established a tourism legal system including tourism laws, local legislature and regulations. However, our country has not yet formulated the specialized basic law of ecotourism environmental protection at the legal level. First of all, in the legal dispute of ecotourism environmental protection, we can only use the legal provisions of "Tourism Law" or "Environmental Protection Law" which related to ecotourism environmental protection as litigation basis. Secondly, even in most cases, if the "Tourism Law" or "Environmental Protection Law" are not seek legal terms as a support, we still find two ways to explore the suitable and effective legal terms difficultly as the dispute settlement basis of ecotourism environmental protection. On the one hand, the way to the special laws such as "Forest Law", on the other hand, the way to local legislature and regulations such as "scenic area management Provisional Regulations". Finally, if there is still no basis for the settlement of disputes in the existing tourism laws, local legislature and regulations, there will be legislative gaps in the field of ecotourism environmental protection. In a word, the current supply of tourism legal system including tourism law and local legislature and regulations cannot meet the needs of the new problems happened in the practice of ecotourism environment protection.

The existing legal system of tourism has been Imperfect. Firstly, the existing tourism law instruments focus on administrative regulations formulated by the State Council and regulations formulated by the National Tourism Administration. This legislative install leads to two consequences: on the one hand, the legal system of tourism generally present characteristic such as the low legislative level and lack of authority and so on. It not only affects the stability of the judicial judgment, but also increases the difficulty of environmental protection law enforcement. On the other hand, the provisions of tourism environmental protection are scattered in different administrative regulations and regulations, which leads to the weak integrity of the legal system. This has further caused conflicts between different levels of legal provisions, such as tourism laws, administrative regulations and regulations. At the same time, it also results in the strong principle and the weak operability of the legal provisions. Secondly, at the present stage, when we are facing the disputes of eco-tourism environment, we usually take relief measures after the dispute occurs. However, the stability of the law often leads to new changes in social development. Under the new economic normal, new tourism environment resources and environmental protection in the current legal disputes, to "remedy" as the principle, it is difficult to find the appropriate legal provisions to resolve the disputes, because of the lack of legal protection provisions and preventive measures. Therefore, the legal provision of "prevention in advance" is one of the effective ways to solve the conflict between the new protection of tourism environment and the renewal of laws and regulations.

3. Improvement path of tourism environmental protection based on PESTEL model.
Based on the analysis of PESTEL model, this section puts forward the improvement path of tourism environmental protection based on PESTEL model. As shown in figure 2.
Figure 2. Improvement path of tourism environmental protection based on PESTEL model

From Figure 2 we can see, based on the micro subjects (tourists, tourism management, travel agency, etc.), from one or more aspects of political, improve the macro factors, such as economic and social, technological, environmental and legal (PESTEL), is a feasible way to improve the tourism environment protection at present.

4. Legal guarantee of tourism environmental protection.

This section puts forward some suggestions to improve the legal system of tourism environment protection, to innovate the legal system of tourism market supervision, to enhance the awareness of environmental protection and to strengthen the concept of legal system. As shown in figure 3.

Figure 3. Paths to improve the laws of tourism environmental protection.

4.1. Improve the legal system of tourism environmental protection

Promoting local government administration according to law. Local governments should strictly supervise and manage tourist attractions under the jurisdiction of the local government. Managers should take into account the ecological and economic benefits of scenic spots in order to achieve the sustainable development of the ecological environment of scenic spots.

Special laws and regulations on environmental protection of tourism shall be formulated. The legislative departments of the state should formulate laws and regulations that are more conducive to environmental protection. At the same time, improve the existing rules and regulations supporting the work, so that it can truly implement the protection of the environment and resources.

Expand the scope of environmental public plaintiff right. Environmental public interest litigation is an important way for citizens to exercise environmental rights in the future. Therefore, in order to encourage more citizens to participate in environmental protection, it is necessary to expand the scope
of environmental public plaintiff right in order to enable them to exercise the right of claim in the environmental right.

4.2. Innovating the legal system of tourism market supervision
Create a list of responsibilities. The main body of tourism supervision makes the list system of comprehensive supervision responsibility of tourism market, and defines the administrative responsibilities of various departments.

  Improve the regulatory system. Amend existing laws, regulations and normative documents, improve the supporting system, and formulate administrative regulations.

  Sound regulatory standards. National standards, industry standards and local standards for tourism should be formulated. Establish a standard system for tourism in all areas of tourism. We will speed up the formulation of new service standards for tourism and new product management, and standardize the work to meet the new requirements of tourism supervision.

  Explore the establishment of a legitimacy review mechanism for major penalty decisions. Establish the benchmark system of tourism law enforcement discretion, and refine and quantify the administrative discretion standards. Explore the accountability system for handling important events.

4.3. Enhance environmental awareness & strengthen the concept of legal system
Tourism enterprises should guide tourists through various forms to travel consciously, civilized, civilized, respect for nature, respect for local culture, and respect for service providers, resist unhealthy trends and abandon uncivilized behaviours.

  Tourist managers should rationally determine the tourist capacity of scenic spots, strictly implement the environmental impact assessment system of tourism projects, and strengthen the protection of water resources and soil and water conservation.

  The news media should actively publicize the relevant principles, policies, laws and regulations of the national tourism environmental protection, and open a typical case of ecological environmental law enforcement. Through typical cases, we should popularize the knowledge of tourism environment, improve the public's consciousness of protecting the environment, and promote the formation of public awareness of environmental compliance.

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