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### Rights of Indigenous Peoples

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### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, in accordance with Human Rights Council resolution [51/16](#).

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\* [A/78/150](#).



## **Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay**

### **Tourism and the rights of Indigenous Peoples**

#### *Summary*

In the present report, prepared pursuant to Human Rights Council resolution [51/16](#), the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, focuses on the theme “Tourism and the rights of Indigenous Peoples”, analysing best practices and challenges in the promotion and respect of the rights of Indigenous Peoples to achieve positive community-based sustainable tourism outcomes.

## I. Introduction

1. The present report is submitted by the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay, pursuant to Human Rights Council resolution 51/16. He provides herein a brief summary of his activities since his previous report to the General Assembly (A/77/238) and considers the implications of tourism on the rights of Indigenous Peoples.

## II. Activities of the Special Rapporteur

2. Following his previous report to the General Assembly, the Special Rapporteur carried out six academic visits, participated in several in-person and virtual meetings with Indigenous organizations and international and governmental institutions and collaborated with several United Nations entities, including the Office of the United Nations High Commissioner for Human Rights, the Committee on the Elimination of Discrimination against Women and the Forum on Business and Human Rights. He presented three *amicus curiae* briefs before the inter-American system of human rights on the topics of land rights, free, prior and informed consent and Indigenous Peoples in voluntary isolation and initial contact and an expert brief to the European Parliament Subcommittee on Human Rights. The Special Rapporteur carried out official country visits to Greenland and Denmark in February 2023 and to Canada in March 2023 and hopes to visit Argentina and the United Republic of Tanzania during the coming year. The Special Rapporteur participated in the annual meetings of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

## III. Indigenous Peoples and the tourism industry

3. In recent decades, community-based approaches to tourism, such as ecotourism and ethnocultural tourism, have become increasingly popular as a sustainable development approach. In the present report, the Special Rapporteur reviews the ways in which tourism both negatively affects and positively benefits Indigenous Peoples by examining the roles of States, international organizations and the private sector. He highlights examples of Indigenous-led tourism initiatives and identifies good practices to protect Indigenous Peoples' rights in that context.

4. The Special Rapporteur identified this theme after receiving reports of human rights violations in relation to tourism activities in the context of the United Nations Educational, Scientific and Cultural Organization (UNESCO) world heritage sites,<sup>1</sup>

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<sup>1</sup> Communication TZA 3/2021 addressed to the United Republic of Tanzania, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26938>; and communications THA 4/2021 and THA 4/2020 addressed to Thailand, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26518> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25162> respectively.

game parks,<sup>2</sup> luxury resorts,<sup>3</sup> sporting events<sup>4</sup> and other tourism projects.<sup>5</sup> The report is informed by information collected during the Special Rapporteur's academic and official visits as well as inputs provided in response to a questionnaire addressed to States, United Nations agencies, Indigenous Peoples' organizations and non-governmental organizations and by consultations with Indigenous Peoples' representatives on 25 and 26 May 2023.

5. The secretariat of the Convention on Biological Diversity<sup>6</sup> and the International Union for Conservation of Nature<sup>7</sup> have both published guidelines on sustainable tourism, while the non-profit sector has provided guidance, standards and certification on sustainable tourism and ecotourism.<sup>8</sup> In 2017, the International Labour Organization (ILO) adopted the Guidelines on Decent Work and Socially Responsible Tourism, which highlight the potential of the tourism sector for community inclusion and the need to promote equality and non-discrimination, including for Indigenous Peoples. In May 2022, the General Assembly held a high-level thematic debate on tourism, which underscored the importance of advancing a multidisciplinary, multisectoral approach to sustainable tourism by engaging all actors in designing and implementing sustainable tourism strategies and models.<sup>9</sup>

<sup>2</sup> Communication UGA 5/2022 addressed to Uganda, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27587>; and communication TZA 2/2019 addressed to the United Republic of Tanzania, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24872>.

<sup>3</sup> Communication NPL 1/2021 addressed to Nepal, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26282>; and communication BGD 8/2020 addressed to Bangladesh, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25810>.

<sup>4</sup> Communication IND 3/2022 addressed to India, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27159>; communication ESP 2/2021 addressed to Spain, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26298> (in Spanish); communication USA 15/2021 addressed to the United States of America, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26299>; communication FRA 3/2021 addressed to France, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26297> (in French); and communication IDN 5/2021 addressed to Indonesia, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26108>.

<sup>5</sup> Communication MEX 11/2020 addressed to Mexico, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25562> (in Spanish).

<sup>6</sup> Secretariat of the Convention on Biological Diversity, *Managing tourism and biodiversity – User's manual on the CBD Guidelines on Biodiversity and Tourism Development* (Montreal, Canada, 2007). Available at <https://www.cbd.int/doc/programmes/tourism/tourism-manual-en.pdf>; Secretariat of the Convention on Biological Diversity, *Tourism Supporting Biodiversity – A Manual on applying the CBD Guidelines on Biodiversity and Tourism Development* (Montreal, Canada, 2015). Available at <https://www.cbd.int/tourism/doc/tourism-manual-2015-en.pdf>; and Anna Spenceley, Susan Snyman and Paul F.J. Eagles, *Guidelines for tourism partnerships and concessions for protected areas: Generating sustainable revenues for conservation and development* (2017).

<sup>7</sup> Paul F.J. Eagles, Stephen F. McCool and Christopher D.A. Haynes, *Sustainable Tourism in Protected Areas: Guidelines for Planning and Management* (Gland, Switzerland and Cambridge, United Kingdom of Great Britain and Northern Ireland, International Union for Conservation of Nature and Natural Resources, 2002).

<sup>8</sup> The International Ecotourism Society and Global Sustainable Tourism Council, among others.

<sup>9</sup> Summary by the President of the General Assembly, "Putting sustainable and resilient tourism at the heart of an inclusive recovery" (United Nations Headquarters, New York, 2022). Available at <https://www.un.org/pga/76/wp-content/uploads/sites/101/2022/06/HLTD-on-Tourism-Summary.pdf>.

6. The World Tourism Organization (UNWTO)<sup>10</sup> has collaborated with Indigenous Peoples and organizations to develop guidelines and best practices for sustainable tourism that respect Indigenous Peoples' rights, including the Inclusive Recovery Guide: Sociocultural Impacts of COVID-19: Indigenous Communities<sup>11</sup> and specific recommendations on sustainable development of Indigenous tourism (2019)<sup>12</sup> to encourage tourism enterprises to operate in a responsible and sustainable manner while enabling Indigenous Peoples wishing to participate in tourism to benefit from its opportunities and effectively engage in the consultation process. In March, UNWTO launched the Compendium of Good Practices in Indigenous Tourism: Regional Focus on the Americas. The Compendium, developed in the context of the World Trade Organization programme on tourism and Indigenous Peoples launched in 2017, puts forward a series of recommendations aimed at facilitating tourism development led by Indigenous Peoples and at tourists engaging in Indigenous tourism.

#### IV. Legal and policy framework

7. The role of Indigenous Peoples in sustainable tourism development must be understood and addressed within the context of the international human rights framework on the rights of Indigenous Peoples, including the United Nations Declaration on the Rights of Indigenous Peoples and ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other international and regional human rights instruments recognizing Indigenous Peoples' rights. A detailed review of Indigenous Peoples' rights to self-determination, autonomy, self-government, participation in decision-making, consultation and free, prior and informed consent is available in previous reports (A/71/229 and A/77/238).

8. States and companies that promote tourism projects in Indigenous territories or engage in activities concerning Indigenous culture should be particularly aware of Indigenous Peoples' rights to protect and develop manifestations of their cultures, including the right to freely and privately access their religious and cultural places. States should provide redress through effective mechanisms in cases of appropriation of Indigenous cultural and spiritual property without their free, prior and informed consent (articles 11 and 12 of the United Nations Declaration on the Rights of Indigenous Peoples).

9. As an expression of their right to self-determination, Indigenous Peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations, which shall be properly reflected in public information, and the right to protect their cultural heritage, knowledge and cultural expressions (*ibid.*, articles 15 and 31).<sup>13</sup> To protect Indigenous Peoples from the misuse and misappropriation of their tangible and intangible cultural heritage and knowledge, article XXVIII of the American Declaration on the Rights of Indigenous Peoples recognizes Indigenous Peoples' rights to ownership, control, development and protection of their cultural heritage, including collective intellectual property rights.

<sup>10</sup> The World Tourism Organization (UNWTO) is a United Nations specialized agency established to promote sustainable tourism development. See <https://www.unwto.org/about-us>.

<sup>11</sup> Available at <https://www.e-unwto.org/doi/epdf/10.18111/9789284422579>). UNWTO also led the "Weaving the Recovery: Indigenous Women in Tourism" pilot project to ensure that Indigenous women benefit from post-coronavirus disease (COVID-19) tourism recovery. See <https://www.unwto.org/weaving-the-recovery-indigenous-women-in-tourism>.

<sup>12</sup> UNWTO, Recommendations on Sustainable Development of Indigenous Tourism (Madrid, UNWTO, 2019). Available at <https://doi.org/10.18111/9789284421299>.

<sup>13</sup> See also general comment No. 21 of the Committee on Economic, Social and Cultural Rights on the right of everyone to take part in cultural life (2009), para. 37.

10. Article 7 of the International Covenant on Economic, Social and Cultural Rights recognizes the right to the enjoyment of just and favourable conditions of work and article 17 of the United Nations Declaration on the Rights of Indigenous Peoples recognizes Indigenous Peoples' labour rights and the obligation of States to take special measures for Indigenous children, in consultation with Indigenous Peoples. Article 20 of ILO Convention No. 169 establishes the State's responsibility to prevent discrimination against Indigenous Peoples in the workplace.

11. United Nations specialized agencies play a key role in ensuring that tourism development respects Indigenous Peoples' rights. Through its supervisory mechanisms, ILO has issued direct requests and observations to State parties to Convention No. 169 regarding the tourism sector and Indigenous Peoples' rights.<sup>14</sup> The 1992 Convention on Biological Diversity affirms the need to respect, preserve and maintain the knowledge, innovations and practices of Indigenous Peoples embodying traditional lifestyles (articles 1, 8 and 15). The World Intellectual Property Organization protects the intellectual property of Indigenous Peoples and aims to encourage and empower them to use intellectual property tools strategically, if they so wish, to protect their knowledge and cultural expressions.

12. The preamble of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage recognizes that Indigenous Peoples play an important role in the production, safeguarding, maintenance and recreation of the intangible cultural heritage, enriching cultural diversity and human creativity. Article 7 (1) (a) of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions enacts measures to promote cultural expressions, paying special attention to the needs of Indigenous Peoples.

13. The UNWTO 1999 Global Code of Ethics for Tourism is targeted at States, tourism development stakeholders and tourists alike to address negative impacts on the environment, cultural heritage and societies. The Code is implemented by means of a voluntary mechanism,<sup>15</sup> but in 2019, it was converted into a binding instrument, the Framework Convention on Tourism Ethics, which will enter into force once it is ratified by 10 States.<sup>16</sup> The Convention calls for maximizing benefits of the tourism sector while minimizing negative impacts on the environment, cultural heritage and societies across the globe. The Convention is supplemented by an Optional Protocol that sets out a conciliation mechanism for settling disputes between States or between States and tourism development stakeholders concerning the implementation of the Convention. The World Committee on Tourism Ethics promotes and monitors the implementation of the Global Code of Ethics for Tourism and the Framework Convention on Tourism Ethics.<sup>17</sup>

## V. Impacts of tourism on Indigenous Peoples' rights

14. Tourism development, if carried out in a sustainable, rights-based manner, represents an important opportunity for Indigenous Peoples to work with Governments to protect their rights. Tourism has already had a positive impact on Indigenous Peoples' rights, including with respect to protecting lands from extractive encroachment, creating economic opportunities, restoring biodiversity, revitalizing culture and language and reducing the migration of Indigenous youth seeking out

<sup>14</sup> Argentina (2005), Bolivia (Plurinational State of) (2006), Colombia (2013, 2014), Ecuador (2015), El Salvador (2012, 2014), Fiji (2014), Guatemala (2006, 2019), Honduras (2000, 2003, 2004), Nicaragua (2014, 2016, 2017, 2018) and Panama (2005, 2009, 2022).

<sup>15</sup> See <https://www.unwto.org/global-code-of-ethics-for-tourism>.

<sup>16</sup> See <https://www.unwto.org/ethics-convention>.

<sup>17</sup> See <https://www.unwto.org/world-committee-tourism-ethics>.

employment opportunities. However, the benefits of tourism are not always culturally appropriate or gender-inclusive and may not consider potential intergenerational impacts. The short-term economic benefits of tourism projects are often disproportionately minimal or may not consider the long-term adverse impacts on Indigenous Peoples and their lands.<sup>18</sup>

15. Massive foreign investments in hotel and luxury resorts have opened the way to wide-scale tourism development in countries of the global South, where, because of their once pristine, secluded or biodiverse qualities, Indigenous lands have become holiday destinations for a growing number of visitors from the industrialized North.<sup>19</sup> In response to growing public concerns over the negative impacts of large-scale tourism, new models of tourism such as ecotourism, responsible tourism or backyard tourism have recently emerged, but such models will not yield any significant improvement for the rights of Indigenous Peoples if they are not consulted and, at the very least, co-managing the projects.<sup>20</sup>

16. The public and private tourism industry must monitor the environmental and social impacts of tourism not only to address the concerns of socially and environmentally conscious clients, but also to fulfil their obligations under international law, including the Guiding Principles on Business and Human Rights and existing human rights standards on Indigenous Peoples.

## **A. Economic, social and cultural rights and the right to development**

17. If implemented under the human rights framework, sustainable, responsible and ethical tourism, can provide socioeconomic benefits for Indigenous Peoples and contribute to the realization of their economic and social rights, such as access to water and sanitation, economic opportunities from employment, the sale of artisanal goods and revenue generated from accommodations, cultural tours and entertainment. In Canada, tourism employs more Indigenous workers than any other industry, and Indigenous tourism is growing faster than the tourism sector as a whole.<sup>21</sup> In Chile, tourism initiatives have promoted Indigenous women's entrepreneurship and economic autonomy, and women lead 55 per cent of the Indigenous tourism industry.<sup>22</sup>

18. Indigenous Peoples can also benefit from infrastructure set up to service tourism resorts, including roads, airports, cultural centres, schools, hospitals and sanitation facilities, provided that they give their free, prior and informed consent to such developments and that the infrastructure, although developed primarily for the purpose of tourism, fully accommodates Indigenous Peoples' needs, livelihoods and cultural specificities.<sup>23</sup> However, tourism development on Indigenous lands rarely benefits Indigenous Peoples and the construction of infrastructure is likely to cause disruption of their economic and subsistence activities, such as hunting, fishing and gathering. In South-East Asia, the overdevelopment of beach resorts has caused the displacement of Indigenous Peoples and restricted access to traditional fishing grounds.<sup>24</sup> In some cases, Indigenous Peoples must travel further out into the ocean

<sup>18</sup> Submission by Assembly of First Nations.

<sup>19</sup> Submission by ICCA Philippines.

<sup>20</sup> Oral intervention; Special Rapporteur consultation of 26 May 2023.

<sup>21</sup> Submission by Canada.

<sup>22</sup> Submission by Chile.

<sup>23</sup> Submission by Center for Enhancing Democracy and Good Governance and Endorois People, Kenya.

<sup>24</sup> Submission by ICCA Philippines.

to fish in traditional boats that are not built for that purpose.<sup>25</sup> In Latin America, the construction of a 1,500-km railway on the Yucatan Peninsula, a megaproject led by Mexico's tourism agency, the Fondo Nacional de Fomento al Turismo (National Fund for the Promotion of Tourism), is threatening the rights of Indigenous Peoples.<sup>26</sup>

19. Much still needs to be done to ensure a fair and equal redistribution of profits generated by the tourism industry, which continues to be dominated by developed countries, with the benefits going to their businesses.<sup>27</sup> In fact, Indigenous lands and destination countries are sometimes used as business expansion sites for the industrialized world. When economic return is generated from tourism projects, benefit-sharing can create division or conflict within Indigenous communities,<sup>28</sup> especially when benefit-sharing agreements are not established beforehand. In North America and South and South-East Asia, lucrative tourism events branded with Indigenous culture reportedly have not generated fair economic benefits or compensation for the Indigenous Peoples who are involved or used to promote the projects.<sup>29</sup> Employment opportunities for Indigenous Peoples are generally poorly paid.<sup>30</sup>

20. The overdevelopment of real estate in or around Indigenous lands can lead to gentrification, gradually driving away Indigenous Peoples.<sup>31</sup> In other cases, the diversion of water has caused shortages, threatening Indigenous agriculture.<sup>32</sup> In Africa, the tourism sector, which is the main source of income for some Indigenous Peoples, has created economic dependency, leaving communities without other alternatives.<sup>33</sup>

## B. Right to land, territories and resources

21. In some cases, tourism has allowed Indigenous Peoples to strengthen their right to lands and territories, protect them from outside interference and increase or restore biodiversity. In some cases, the economic value behind the creation of protected areas

<sup>25</sup> Joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact.

<sup>26</sup> See Office of the United Nations High Commissioner for Human Rights press release, special procedures, "Government and business must address negative impacts of Train Maya project" (7 December 2022); communication MEX 11/2020 addressed to Mexico; and communication MEX 10/2022 addressed to Mexico, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27570> (in Spanish).

<sup>27</sup> David Diaz Benavides, "The Viability and Sustainability of International Tourism in Developing Countries", Symposium on Tourism Services, World Trade Organization (2001).

<sup>28</sup> Submission by Ecuador.

<sup>29</sup> Submission by Assembly of First Nations; see also the shadow report of the Khmers Kampuchea-Krom Federation to the 125th session of the Human Rights Committee – Viet Nam (CCPR/C/VNM/3), 2019, available at [https://ccprcentre.org/files/documents/INT\\_CCPR\\_CSS\\_VNM\\_33385\\_E\\_\(1\).pdf](https://ccprcentre.org/files/documents/INT_CCPR_CSS_VNM_33385_E_(1).pdf). On the issue of tribal tours, see <https://www.youthkiawaaz.com/2016/04/tribal-tourism-in-india/>.

<sup>30</sup> Submission by Alternative for India Development.

<sup>31</sup> Submission by Defensoría del Pueblo de la Nación Argentina; see also <https://www.nativeamericacalling.com/wednesday-jun-22-2022-indigenous-resistance-to-gentrification-in-puerto-rico/>.

<sup>32</sup> See *Healoha Carmichael, Lezley Jacintho and Nā Moku Aupuni o Ko'olau Hui v. Board of Land and Natural Resources and Alexander & Baldwin Inc., East Maui Irrigation Co., Ltd, and Hawaiian Commercial and Sugar Co., and County of Maui, Department of Water Supply*, SCWC-16-000071 (3 March 2022), available at <https://static1.squarespace.com/static/5e9d03ad2ef5fb2f520332cf/t/6221c224bcc3a2466684e140/1646379557019/219+-+2022+03+03+Opinion+of+the+Court+by+Wilson+J.pdf>.

<sup>33</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

in the form of national parks, game reserves, conservation areas and UNESCO world heritage sites has incentivized Governments to prioritize the development of tourism over extractive activities on Indigenous lands. Indigenous Peoples may consider the development of tourism “a lesser evil” when faced with resource exploitation, such as mining or logging.

22. However, the preservation of Indigenous lands for tourism purposes has rarely coincided with an increase in Indigenous Peoples’ security of land tenure and has, on the contrary, led to massive evictions from forests, grazing areas, wildlife habitats and seashores<sup>34</sup> and restricted access to sacred places<sup>35</sup> and resources.<sup>36</sup>

23. Recent examples of evictions and other gross human rights violations such as arbitrary arrests, killings, torture and other ill-treatments to create protected areas for tourism purposes were detailed in the 2022 report of the Special Rapporteur to the General Assembly on protected areas (A/77/238) and in communications to Governments, including Botswana,<sup>37</sup> Namibia,<sup>38</sup> Nepal,<sup>39</sup> Thailand,<sup>40</sup> Uganda<sup>41</sup> and the United Republic of Tanzania.<sup>42</sup>

24. The mandate holder emphasized the need to prioritize Indigenous Peoples’ land rights over tourism projects in an expert testimony before the African Commission on Human and Peoples’ Rights in 2020.<sup>43</sup> The testimony was delivered in the context of reparations for the Endorois peoples, whom the African Commission had declared in a landmark ruling of 2010 to have been unlawfully evicted from their lands to make way for a national reserve and tourist facilities.<sup>44</sup>

25. Sporting events and infrastructure have also infringed on Indigenous Peoples’ rights to land and resources. The Asia Infrastructure Investment Bank-funded Mandalika project in Indonesia has resulted in forced evictions, involuntary resettlement and increased militarization of the Indigenous Sasak people, who comprise 85 per cent of the region’s inhabitants. The creation of the Mandalika International Circuit, a motorcycle track that hosts large international races, including the Moto Grand Prix, has severely restricted the Sasak people’s freedom of movement.<sup>45</sup> In North America, the failure of a heli-skiing business to obtain the free, prior and informed consent of Indigenous Peoples has led to conflicts with Indigenous Peoples, who rely on the land for hunting and trapping.<sup>46</sup>

<sup>34</sup> Ibid.

<sup>35</sup> Communication AL OTH 183/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26310>. Joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact.

<sup>36</sup> See A/77/238; see also communication UGA 5/2022 addressed to Uganda and communication TZA 2/2019 addressed to the United Republic of Tanzania.

<sup>37</sup> Communication AL BWA 3/2021.

<sup>38</sup> Communication AL NAM 2/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26802>.

<sup>39</sup> Communication AL NPL 3/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25642>.

<sup>40</sup> Communication AL THA 4/2021.

<sup>41</sup> Communication UGA 5/2022.

<sup>42</sup> Communication TZA 3/2021.

<sup>43</sup> Special Rapporteur on the rights of Indigenous Peoples, Expert testimony at the request of the African Court on Human and Peoples’ Rights on reparations in the case *African Commission on Human and Peoples’ Rights v. Kenya*, Application No. 006/2012, 29 April 2020.

<sup>44</sup> *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of the Endorois Welfare Council v. The Republic of Kenya*, communication 276/2003, 2010.

<sup>45</sup> Communication AL IDN 5/2021 addressed to Indonesia; and communication AL IDN 3/2022 addressed to Indonesia, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27786>.

<sup>46</sup> Submission by Assembly of First Nations.

26. Leisure tourism has led to the overdevelopment of lands in South-East Asia and caused the forced displacement of Indigenous Peoples, threatening fishing livelihoods and the cohesion of seashore communities and increasing prostitution of women and children.<sup>47</sup> In North America, Indigenous Peoples have raised issues over damage caused by campers and hikers leaving litter at sacred places. Tourism can also cause destruction and contamination of Indigenous lands, resources and water systems, damaging unique ecosystems and negatively affecting wildlife.<sup>48</sup>

### C. Rights to self-determination and participation

27. Indigenous Peoples' experiences with the development of tourism activities on or near their lands are varied. While some see it as a threat to their way of life or very survival, others may wish to engage in the sector and promote a form of tourism that embraces their worldview and revitalizes their culture. In all cases, respect and promotion of their rights to participation and self-determination, including consent, is of paramount importance.

28. The exclusion of Indigenous Peoples from the management and control of tourism projects has led to the abandonment of agriculture practices, drug and alcohol addiction, the disruption of cultural practices and communal structures, and pollution of the environment.<sup>49</sup>

29. In Africa, biodiversity conservation and safari projects may, at best, provide limited employment opportunities for Indigenous Persons that are often poorly paid, but the actual participation of Indigenous Peoples in the development of such projects and cases of co-management remain rare. The Batwa Trail, a tourist destination initiated by Ugandan Government authorities and the United States Agency for International Development (USAID), educates tourists about Batwa culture and reportedly supports their social and economic development with proceeds from tourism.<sup>50</sup> Foreign legislation that limits or bans hunting tourism adopted without consultation with Indigenous Peoples is adversely affecting Indigenous communities in South Africa, where sustainable and regulated hunting tourism provides benefits used to improve community services such as electricity, water, health care and education.<sup>51</sup>

30. In Greenland, tourism operators have been granted licences in Inuit territory without consulting Inuit fishermen and hunters or obtaining their free, prior and informed consent. As a result, Inuit families have been prevented from using their traditional lands and resources. Similarly, infrastructure projects, such as the Nuuk airport improvement, the Arctic Circle Road development and the construction of new hotels, were approved without consulting and obtaining the free, prior and informed consent of the Inuit (A/HRC/54/31/Add.1, para. 43).

31. In some countries, the principle of shared management of protected areas by both Indigenous Peoples and the Government has been enshrined in the Constitution, as was done in the 2009 Constitution of the Plurinational State of Bolivia.<sup>52</sup> However, in Latin America, there reportedly have been instances in which legislation has been passed to promote and develop sustainable Indigenous tourism as a priority, without consulting Indigenous Peoples. Tourism authorities have adopted measures to promote Indigenous tourism without considering the decision-making process of

<sup>47</sup> Submission by ICCA Philippines.

<sup>48</sup> Submission by Assembly of First Nations.

<sup>49</sup> Submission by Guna-Dule Nation, Panama.

<sup>50</sup> See <https://www.silverbackgorillatours.com/uganda/the-batwa-trail-and-cultural-experience>.

<sup>51</sup> Oral intervention, Special Rapporteur consultation of 25 May 2023.

<sup>52</sup> Submission by the Plurinational State of Bolivia.

Indigenous traditional authorities.<sup>53</sup> Indigenous Peoples have also reported that States grant licences for the construction of hotels and other tourism facilities on their land without consultation and their free, prior and informed consent.<sup>54</sup>

32. Lack of consultation and consent from Indigenous Peoples affected by the development of tourism infrastructure such as trains, cable cars, hotels and restaurants on Indigenous lands is a recurring issue. With their right to participation denied, Indigenous Peoples are unable to steer the development of such infrastructure in a way that supports their cultural approach and their Indigenous economy.<sup>55</sup>

#### D. Cultural rights

33. Indigenous Peoples' cultures represent a significant tourist attraction and are widely promoted by States to showcase the cultural diversity of their country. While in many cases, tourism can greatly benefit Indigenous Peoples' cultural rights, it can pose a threat to cultural survival for others. It is important to highlight that as part of their cosmovision, Indigenous Peoples' cultural heritage encompasses their lands and resources, sacred sites, livelihoods, languages, artistic expression and spiritual beliefs.

34. Tourism can help to preserve and promote Indigenous practices, knowledge, traditions and languages and enhance the understanding and appreciation of cultures.<sup>56</sup> If tourism is Indigenous-led, it can enable Indigenous Peoples to share their stories in their own voice, using connectivity and storytelling that is often missed in mainstream societies. Cultural awareness and understanding can lead to greater protection of Indigenous Peoples' rights.<sup>57</sup> Tourism can also strengthen traditional activities, arts and crafts, revitalize social life, preserve Indigenous architecture and historical remains and protect scenic landscapes.<sup>58</sup>

35. Without the meaningful participation of Indigenous Peoples in the design, implementation, monitoring and benefit-sharing of tourism projects, there will be risks of commodification, misrepresentation, appropriation and disruption of Indigenous culture. A 2017 study warns against the dangers of commodification: "All too often, tourists are not looking for more than superficial contact, and the cultural practices and traditions of Indigenous Peoples may be transformed into performances for popular consumption. Heritage can be reduced to trinkets, devoid of meaning and valued only as commodities".<sup>59</sup> Tourism is sometimes viewed as a form of colonization through the exploitation of Indigenous culture (human zoos) and forced encounters with visitors.<sup>60</sup>

<sup>53</sup> Submission by Guna-Dule Nation, Panama; oral intervention, Special Rapporteur consultation of 25 May 2023.

<sup>54</sup> Joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact.

<sup>55</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs; and submission by Alternative for India Development.

<sup>56</sup> Submissions by Kenya and Canada; and submission by Indigenous Peoples of Mung-Dun-Chun-Kham, Assam, India.

<sup>57</sup> Submissions by Indigenous Tourism Association of Canada and Assembly of First Nations.

<sup>58</sup> Submission by United Maroons Indigenous Peoples.

<sup>59</sup> Helen Jennings, "Indigenous Peoples and Tourism", TourismConcern, Research briefing (2017). Available at <https://www.humanrights-in-tourism.net/sites/default/files/media/file/2020/rc025-indigenous-peoples-tourism-1197.pdf>.

<sup>60</sup> Freya Higgins-Desbiolles, "The ongoingness of imperialism: The problem of tourism dependency and the promise of radical equality", *Annals of Tourism Research*, vol. 94 (2022). Available at <https://reader.elsevier.com/reader/sd/pii/S0160738322000330?token=0C885E39B110DACC87D9C3B25AB0F34F8D9E89ABCD96969F097F43736C7EAEAD3218F75DE7E9AD4C249A3AF2840C12&originRegion=us-east-1&originCreation=20230515055710>.

36. Indeed, tourist hunger for “authentic” experiences of traditional culture can imprison Indigenous societies in a stagnant state in which they feel forced to reconstruct their ethnicity as photogenically as possible for their visitors. Indigenous cultural practices and festivals are embellished to attract and impress tourists without any consent or benefits for Indigenous Peoples. Such commodification can lead to a lack of respect for traditional symbols and practices and to the fragmentation of the community’s values.<sup>61</sup>

37. Indigenous art and crafts are the result of a deep and significant elaboration process, full of symbolism, and ancestral techniques perfected through time with great dedication that now are reproduced for commercial purposes by transnational companies without Indigenous Peoples’ consent and without any recognition or fair and equitable participation in benefits.<sup>62</sup> Lack of State regulation on collective intellectual property rights furthers the misappropriation and misuse of Indigenous culture in the tourism sector.

38. In Finland, the tourism industry relies heavily on Saami culture to brand the country as a destination. For example, gift shops sell Saami-style handicrafts that are not produced by Indigenous crafters and imitations of Saami clothing are worn by tourism staff (see [A/HRC/30/53](#), para. 61). The use of traditional Indigenous clothing by staff in the tourism sector, such as airline staff, without Indigenous Peoples’ consent is a commonly raised issue in Asia as well.<sup>63</sup>

39. In Guatemala, non-Indigenous people are appropriating Maya textiles and designs by commercializing and mass-producing traditional clothing, failing to respect women’s labour, technical knowledge and the sacred symbols and patterns found in textiles. The Indigenous women are undertaking efforts to protect their knowledge through patents (see [A/HRC/51/28](#)). The reproduction of Indigenous traditional textiles for commercialization for tourists is not an issue specific to Guatemala.<sup>64</sup> In Latin America, tourism has, in some cases, led to a decrease in the demand for the community’s traditional textile products, given that visitors prefer to buy industrially manufactured products rather than artisanal products handmade by local families.<sup>65</sup>

40. Another issue was reported from Asia, where the traditional clothing worn by some Indigenous women provides little coverage and has been stigmatized by tourists from elsewhere in the country or has been perceived as an invitation to sexually assault the women. Indigenous women are consequently pressured to move away from their identity and conform to mainstream ways of dressing.<sup>66</sup>

41. Indigenous Peoples’ cultures, traditions and arts are largely used as tourism attractions but are not effectively recognized or protected, and Indigenous Peoples do not receive proportionate benefits from tourism projects on their lands or for the use of their image or culture.<sup>67</sup>

<sup>61</sup> Joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact.

<sup>62</sup> Submission by Red de Mujeres Indígenas sobre Biodiversidad – América Latina y el Caribe.

<sup>63</sup> Joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact.

<sup>64</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs. Submission by Community Empowerment and Social Justice Network, Nepal.

<sup>65</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

<sup>66</sup> Joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact.

<sup>67</sup> Submission by Community Empowerment and Social Justice Network, Nepal.

42. In Latin America, healing and traditional ceremonies are turned into folklore for tourists, transgressing their true meaning and their cultural and spiritual values.<sup>68</sup> For example, the recent increase in recreational use of Indigenous medicinal plants such as the peyote cacti by foreigners is threatening the population of such cacti, given that the plant is reportedly being illegally harvested by visitors, disregarding Indigenous practices that help to conserve it.<sup>69</sup>

43. Indigenous sacred areas are reportedly being turned into commercial attractions, which are sometimes designated as “archaeological zones” run by the government or private actors without the free, prior and informed consent of Indigenous Peoples and without fair compensation or benefit-sharing.<sup>70</sup> In contrast, for some Indigenous Peoples, the inscription of their historical sites on the UNESCO World Heritage List represents a chance to raise the world’s awareness about their culture.<sup>71</sup>

44. Scientific tourism represents a threat to the preservation and integrity of Indigenous culture and knowledge, as universities and scientists access and use Indigenous knowledge and culture without their free, prior and informed consent.<sup>72</sup>

45. States and tourism companies need to increase public awareness of Indigenous Peoples’ culture throughout the sector. Non-Indigenous-led tourism must ensure that activities do not perpetuate negative stereotypes about Indigenous Peoples, including their romanticization or characterization as societies or cultures from the past.<sup>73</sup> Visitors should be educated to ensure that their actions do not clash with Indigenous culture<sup>74</sup> and be made aware of the historical and ongoing repression of Indigenous Peoples, as well as their diverse aspirations for the present and the future.

## E. Right to life, liberty and security of the person

46. Tourism projects may bring violence against Indigenous rights defenders as well as gender-based violence and sex trafficking of Indigenous women and children. In Thailand, an Indigenous land defender was disappeared and found dead after protesting the arrests and forced eviction of the Karen Indigenous Peoples from the Kaeng Krachen forest complex UNESCO world heritage site.<sup>75</sup> In Bangladesh, tourism has contributed to massive militarization on grounds of guaranteeing security and protection for tourist centres by the army.<sup>76</sup> In Africa, Indigenous Peoples have been arrested and detained for trespassing when harvesting plants and other resources in national parks.<sup>77</sup> In Uganda, there have been reports of violence, killings and

<sup>68</sup> Submission by Red de Mujeres Indígenas sobre Biodiversidad – América Latina y el Caribe.

<sup>69</sup> James D. Muneta, “Peyote Crisis Confronting Modern Indigenous Peoples: The Declining Peyote Population and a Demand for Conservation”, *American Indian Law Journal*, vol. 9, No. 1 (2020); and submission by Red de Mujeres Indígenas sobre Biodiversidad – América Latina y el Caribe.

<sup>70</sup> Communication AL MEX 10/2022 addressed to Mexico; and submissions by Indigenous Peoples of Mung-Dun-Chun-Kham, Assam, India and Community Empowerment and Social Justice Network, Nepal.

<sup>71</sup> Submission by Indigenous Peoples of Mung-Dun-Chun-Kham, Assam, India.

<sup>72</sup> Oral intervention, Special Rapporteur consultation of 25 May 2023.

<sup>73</sup> Submission by Community Empowerment and Social Justice Network, Nepal.

<sup>74</sup> Submission by Hadza, United Republic of Tanzania.

<sup>75</sup> Communications AL THA 4/2021 and AL THA 4/2020; and communication AL THA 2/2019 addressed to Thailand, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24351>.

<sup>76</sup> Communication BGD 8/2020 addressed to Bangladesh, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25810>.

<sup>77</sup> See A/HRC/45/34/Add.1, para 96; visit by the Special Rapporteur to the Congo (2020); and submission by ICCA Philippines.

arbitrary arrests of the Benet people by forest rangers and the Uganda Wildlife Authority in Mount Elgon National Park.<sup>78</sup>

47. Indigenous women and girls are among the most marginalized groups in the tourism industry owing to multilayered discrimination based on gender, Indigenous identity and socioeconomic status. In Asia, the Special Rapporteur received reports that tourism had fostered violence against women, including rape by tourists, with perpetrators rarely held accountable.<sup>79</sup> Women are also likely to be subjected to sexual violence when forcibly evicted from their lands.<sup>80</sup> Owing to discrimination within their own community and in wider society, Indigenous women lack access to education or training to qualify them for employment in the tourism industry or are limited to low-paying jobs. They are more vulnerable to labour exploitation, including prostitution, and are at greater risk of trafficking for sex tourism.<sup>81</sup> In some cases, loss of land and resources as a result of tourism development limits Indigenous women's autonomy, economic self-sufficiency, access to productive resources and ability to participate meaningfully in decision-making processes.<sup>82</sup>

## VI. Corporate social responsibility

48. Corporations are heavily involved in formulating and carrying out tourism projects and programmes. They often exclude Indigenous Peoples from their business operations while profiting from their lands, resources and cultural heritage.

49. In Nepal, the Pradhan Newar Indigenous Peoples lost access to their lands, resources and religious and cultural sites following the construction of the Chhaya Center complex by Marriott International. Owing to delays in administrative and judicial proceedings to recognize the Newar peoples' land rights, the complex was built despite protests and without the free, prior and informed consent of the Newar, who experienced threats and violence when they engaged in peaceful resistance against the project.<sup>83</sup> Promoted as the biggest business complex in Nepal's history, the Chhaya Center houses 200 store spaces, including high-end brand outlets, along with multiplex theatres and corporate offices. The largest source of its revenue is the five-star hotel, Aloft Kathmandu Thamel, a franchise of Marriott International. The company reportedly retaliated against those opposing the construction by filing strategic litigation against public participation (SLAPP) suits and criminal charges against them, while others have faced death threats from union leaders<sup>84</sup> of workers at the complex.<sup>85</sup>

<sup>78</sup> Communication UGA 5/2022 addressed to Uganda.

<sup>79</sup> Submissions by Chittagong Hill Tract and Community Empowerment and Social Justice Network, Nepal; and joint submission by International Work Group for Indigenous Affairs and Indigenous People Rights International.

<sup>80</sup> Submissions by Chittagong Hill Tract and Community Empowerment and Social Justice Network, Nepal.

<sup>81</sup> Submissions by Community Empowerment and Social Justice Network, Nepal and Center for Enhancing Democracy and Good Governance and Endorois People, Kenya; and joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

<sup>82</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

<sup>83</sup> Communication AL OTH 183/2021; communication AL NPL 1/2021; communication AL USA 16/2021 addressed to the United States, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26309>; and communication AL OTH 184/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26311>. See also A/HRC/45/34/Add.3.

<sup>84</sup> Other reports indicate that local labour unions and managers encourage tourism, while the construction industry lobbies for larger resorts and universities fund travel and tourism programmes.

<sup>85</sup> Submission by Community Empowerment and Social Justice Network, Nepal.

50. In Bangladesh, the Mro Indigenous Peoples of the Chittagong Hill Tracts are facing threats of eviction from their lands for the construction a five-star Marriott hotel, amusement park, artificial lake and cable cars to transport tourists across their lands. The Government and developers have encroached on Mro farmland, forests and cremation grounds to build the hotel. The Mro are subject to restrictions on their free movement and militarization of their lands, and women have been sexually assaulted and killed as a result of the land conflict. Indigenous human rights defenders have been subjected to intimidation and accusations of being terrorists and have received death threats for having protested against the tourism project.<sup>86</sup>

51. In Africa, private actors have forcibly evicted communities to create conservation areas without obtaining free, prior and informed consent and have paid Indigenous persons low wages for their work in the tourism industry.<sup>87</sup> Since 2013, the mandate holder has repeatedly raised concerns regarding the escalating violence and eviction of Maasai pastoralists in the United Republic of Tanzania in the context of tourism businesses operating in the Loliondo Game Controlled Area of the Ngorongoro District, located on Maasai lands.<sup>88</sup> The Area corresponds with the 1,500 square-km commercial hunting zone operated by the Ortello Business Corporation of the United Arab Emirates and its security forces, in accordance with a concession granted by the United Republic of Tanzania. In a past incident, the Government allocated Maasai lands to the Tanzania Breweries Limited for barley production, which then sold its lease to a tourism company, Tanzania Conservation Limited.<sup>89</sup> In 2006, Tanzania Conservation private security guards forcibly evicted 200 Maasai from the Sukenya Farm area and burned their homes. Maasai pastoralists attempting to access their lands were detained by Tanzania Conservation security or police and taken to local prisons, where they had to pay substantial fees to be released.<sup>90</sup>

52. In Latin America, tourism operators have generated social conflicts by attempting to divide communities, providing lower salaries for Indigenous employees than their non-Indigenous counterparts. Tourism megaprojects that proceed without consultation and adequate social and environmental impact assessments have led to land privatization, evictions, loss of communal development projects and environmental contamination. In addition, tourism companies and large corporations control most of the tourism operations in the Amazon region.<sup>91</sup>

53. The “Original Original” accreditation programme of the Indigenous Tourism Association of Canada can be used as a good example for the tourism industry to

<sup>86</sup> Communication UA BGD 8/2020; communication UA OTH 84/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25811>; and joint submission by International Work Group for Indigenous Affairs and Asia Indigenous Peoples Pact; and submissions by Bangladesh Indigenous Youth Forum and Parbatya Chattagram Jana Samhati Samiti.

<sup>87</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

<sup>88</sup> Communication TZA 2/2019; communication TZA 1/2016 addressed to the United Republic of Tanzania, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=3343>; and communication TZA 2/2013 addressed to the United Republic of Tanzania, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=18413>. See also Office of the United Nations High Commissioner for Human Rights press release, “Tanzania: United Nations experts warn of escalating violence amidst plans to forcibly evict Maasai from ancestral lands” (15 June 2022).

<sup>89</sup> Tanzania Conservation Limited is owned by Thomson Safaris Limited, a Tanzanian company that is a subsidiary of a United States-based company.

<sup>90</sup> Communication TZA 3/2013 addressed to the United Republic of Tanzania, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22007>.

<sup>91</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

assess risk and validate the authenticity of Indigenous-led tourism. It sets national standards for Indigenous tourism to enable businesses to evaluate their market readiness and apply for accreditation. The programme was developed in partnership with Tourism HR Canada and reflects International Organization for Standardization (ISO) standards. Trade associations, international tour operators, travel agents, Destination Canada, marketing organizations and other consumers rely on this mark of excellence to help promote authenticity and quality Indigenous tourism experiences while giving access to lucrative travel trade networks and new visitor/consumer markets.<sup>92</sup>

54. The private sector has developed a set of practical guidelines for use by travel companies that work with Indigenous communities around the world “to encourage responsible conduct and guide good business practices that serve and protect the interests of Indigenous communities and travel companies as well as produce visitor experiences that are authentic, respectful and rewarding”.<sup>93</sup> The guidelines were created in consultation with Indigenous tourism experts and cover a number of areas, including full and effective participation, equitable management, free, prior and informed consent, respect for Indigenous knowledge, protection of cultural heritage, fair labour, local purchasing and ownership.<sup>94</sup>

55. In 2011, UNWTO adopted the Private Sector Commitment to the Global Code of Ethics for Tourism. Companies that sign the Commitment agree to uphold and promote the values of sustainable tourism development, including the protection of human rights and vulnerable groups, and report on their implementation to the UNWTO World Committee on Tourism Ethics.<sup>95</sup> As of 2021, 450 companies and trade associations from 68 countries had adhered to the Commitment and reported on their implementation,<sup>96</sup> and 130 entities have been suspended.<sup>97</sup> The private sector has an obligation to undertake due diligence according to the Guiding Principles on Business and Human Rights and other voluntary commitments. Companies and investors engaged in tourism face higher credit risks when they do not respect Indigenous Peoples’ rights in implementing projects that could negatively affect them.<sup>98</sup>

## VII. Indigenous-led tourism

### A. Barriers to Indigenous led-tourism

56. Indigenous Peoples have developed their own community-based tourism enterprises to directly benefit their members, with or without support from the State. To further advance Indigenous Peoples’ self-determined development through tourism, several barriers must be addressed.

57. Indigenous tourism companies tend to be smaller with fewer employees, leading to capacity and financial literacy challenges with programme applications, access to information and other administrative burdens and bureaucratic barriers. In the case of Indigenous tourism operators applying for financial assistance, there may be a lack of access to or awareness of capital funding programmes, including access to stable funding that allows long-term planning and investment, and a lack of adequate

<sup>92</sup> Submission by Indigenous Tourism Association of Canada.

<sup>93</sup> G Adventures, Planeterra and George Washington University International Institute of Tourism Studies, “Indigenous People and the Travel Industry: Global Good Practice Guidelines”.

<sup>94</sup> Submission by Indigenous Tourism Collaborative of the Americas.

<sup>95</sup> For a list of signatories, see <https://www.unwto.org/private-sector-signatories-of-the-commitment>.

<sup>96</sup> Report of the World Committee on Tourism Ethics A/24/11.

<sup>97</sup> Report of the World Committee on Tourism Ethics A/23/11.

<sup>98</sup> Submission by First Peoples Worldwide.

knowledge about the administrative and commercial aspects of the tourism industry.<sup>99</sup> Indigenous tourism companies may be disadvantaged by restrictive eligibility requirements that exclude sole-proprietor, unincorporated, community-owned or non-taxable businesses. There may be difficulty meeting financial requirements such as repayment of loans or accessing interest-free loans and non-repayable contributions.<sup>100</sup> With respect to government programming, Indigenous organizations have underscored the need to develop Indigenous-led solutions to provide them with easier access to government programmes outside of the federal bureaucratic system and for Indigenous co-development of funding programme criteria and Indigenous-led delivery of funding. Government programming should ensure adequate time for Indigenous engagement, which is essential to the success of programme development and implementation.

58. Even though Indigenous Peoples can overcome challenges in accessing funding, there may be other barriers, such as a lack of infrastructure to implement tourism projects, in particular for communities located in rural and remote areas with limited access to transportation networks and Internet coverage. There may also be insufficient marketing activities and investments to promote public awareness about Indigenous-led tourism. Lastly, Indigenous Peoples may experience hesitation in inviting visitors onto their lands and into their communities for fear that it may not bring benefits but rather be more exploitative than regenerative.

## **B. Examples at the global, regional, national and local levels**

59. A growing body of scientific evidence shows that Indigenous Peoples outperform government and conservation organizations in protecting the natural world, their lands and their territories, which are home to 80 per cent of the world's biodiversity. Indigenous Peoples possess scientific knowledge and adopt holistic approaches for the sustainable management of resources to ensure that biodiversity is maintained for future generations. For that reason, and to respect Indigenous Peoples' right to self-determined development, States should include Indigenous Peoples in ecotourism ventures to achieve global and national conservation targets.

60. Networks have been formed at the global, regional, national and local levels to further Indigenous Peoples' rights in the context of tourism. The World Indigenous Tourism Alliance is an Indigenous-led global network of Indigenous and non-Indigenous stakeholders who seek to implement the United Nations Declaration on the Rights of Indigenous Peoples through tourism. In 2012, the Alliance adopted the Larrakia Declaration on the Development of Indigenous Tourism, a partnership framework for Indigenous human rights in tourism based on the United Nations Declaration, which recognizes the rights to Indigenous legal systems, knowledge, lands, cultural heritage, self-determination, participation in decision-making and free, prior and informed consent. To further implement the Larrakia Declaration, the Alliance developed tools, including checklists, best practices and guidelines for the tourism industry. In Chile, the Alliance promoted the School of Indigenous Tourism and its International Quality Assurance Framework for Indigenous Community Tourism (2019).<sup>101</sup>

61. At the regional level, the Organization of American States, in partnership with the International Institute of Tourism Studies at George Washington University and the Bureau of Indian Affairs of the U.S. Department of the Interior, hosted the first Indigenous Tourism Forum of the Americas in October 2020. That led to the creation

<sup>99</sup> Submission by Plurinational State of Bolivia.

<sup>100</sup> Submission by Canada.

<sup>101</sup> Submission by Chile.

of the hemispheric Indigenous Tourism Collaborative of the Americas, which works to support sustainable Indigenous tourism development across the Americas. The network is made up of 55 Indigenous regional, national and subnational tourism association leaders and 45 tourism industry organizations, including travel companies, ministries of tourism, State tourism offices, tourism non-profits, tribal colleges and academic institutions. It is supported by the National Congress of American Indians and the White House Council on Native American Affairs.<sup>102</sup>

62. In Southern Africa, Indigenous Peoples have formed community-based organizations to engage in community-based natural resource management of wildlife and other resources on their communal lands to generate income from tourism. Revenues from hunting expeditions are distributed to the broader community and, in some countries, shared with government. Economic benefits take the form of cash distributed to households or investments in larger community projects (for example, schools, medical clinics, electricity, water). Community-based organizations offer employment opportunities, hiring administrative staff and community guards, scouts and rangers to conduct anti-poaching patrols, to assist in reducing human-wildlife conflict and to educate members of the community on the importance of conservation. Agreements entered into with the private sector often include clauses for local employment and training.<sup>103</sup>

63. The Indigenous Tourism Association of Canada is an Indigenous-led organization that provides services to Indigenous tourism operators and communities and advisory support to businesses through professional development training and information-sharing. The Association is engaged in the creation of federal tourism policies and programmes to support the growth and development of Indigenous-led tourism. It works with the federally owned Crown corporation Destination Canada, major media outlets, the trade industry, Parks Canada and airlines to expand marketing efforts internationally and partner on advertising campaigns to promote Indigenous tourism. Their Indigenous-led marketing campaign is designed to eliminate harmful stereotypes of Indigenous people and focus on their resilient and modern cultures. In Canada, there are at least 1,900 Indigenous-led tourism businesses. The Dakhká Khwáan Dancers of the Yukon Territory provide opportunities to reclaim languages and values by revitalizing the arts of singing, drumming, dancing, storytelling and making regalia. In the province of Manitoba, the Wapusk Adventures sled dog kennel offers dogsledding, snowshoeing and e-bike tours to learn about Metis culture. In Quebec, the Hotel-Musée Premières Nations is a four-star boutique hotel with architecture inspired by longhouses that offers spa services in outdoor Nordic baths.<sup>104</sup> In the Maritimes region, Metepenagiag Heritage Park offers tours and experiences for visitors to learn about Mi'kmaq culture and heritage and protects Indigenous artifacts from national historic sites.<sup>105</sup> A number of initiatives exist in the Canadian province of British Columbia, such as the Haida Gwaii Watchmen programme, which employs First Nations people to monitor culturally significant sites and provide interpretation for visitors, showcasing their traditional practices and environmental stewardship.<sup>106</sup>

64. The South Dakota Native Tourism Alliance in the United States of America is an ad hoc network of representatives from the nine federally recognized Tribal Nations in South Dakota, tourism industry leaders and local, state and federal partners working together to develop Indigenous tourism as a catalyst for economic growth. The Alliance undertakes a wide range of infrastructural projects, tourism attractions

<sup>102</sup> Submission by Indigenous Tourism Collaborative of the Americas.

<sup>103</sup> Submission by Community Leaders Network of Southern Africa.

<sup>104</sup> Submission by Indigenous Tourism Association of Canada.

<sup>105</sup> Submission by Assembly of First Nations.

<sup>106</sup> Ibid.

and product development investment projects, along with community and entrepreneurship preparedness initiatives. Indigenous Peoples have come together to host their own Olympic-like sporting events. In 2015, the first World Indigenous Games was held in Brazil, drawing 2,000 Indigenous athletes from 22 countries. The event served as an inspiration for Indigenous Peoples to exercise their right to self-determination through sports and traditional games, build more peaceful relations and safeguard cultural heritage.<sup>107</sup> Similarly, at a regional level, the North American Indigenous Games brings together hundreds of Indigenous Nations throughout the Americas to celebrate, share and reconnect through sport and culture.<sup>108</sup>

65. Individual Indigenous communities are also managing their own tourism ventures. In Mexico, there are at least 95 examples of tourist sites with high natural, cultural and historical value that are managed by Indigenous Peoples according to their legal systems, allowing them to preserve, transmit and share their knowledge and heritage.<sup>109</sup> The Peninsular Alliance for Community Tourism in Mexico aims to strengthen tourism by collaborating with 270 partners of Indigenous Peoples and rural communities in the Yucatan Peninsula. In Oaxaca, the Copalita Trail is owned by Zapotec farmers and the Indigenous Peoples of Sierra Sur. Through educational excursions, they incorporate the value of protecting biodiversity and clean waters in their territories. In the State of Morelos, Indigenous Peoples manage the Forest of Blue Mushrooms ecotourism centre, which focuses on preserving the knowledge and culture of the region. The Comca'ac Seris people of Sonora are developing an ecotourism project aimed at sharing their traditional fishing practices, customs, foods and knowledge about important sites in their territories.<sup>110</sup> The projects “Mun-Ha Chac Lol” in the State of Yucatan and the “Raíz de Futuro” in the municipality of Calakmul, Campeche are Indigenous-led tourism initiatives that rely on universities to analyse community needs to implement good practices in tourism.<sup>111</sup>

66. The Kichwa Añangu Indigenous Peoples of Ecuador have been engaged in ecotourism in Yasuní National Park since 1998. The community created the Napo Wildlife Center, reported to be the only ecolodge created and entirely managed by Indigenous Peoples. The Center is within a world biosphere reserve and promotes responsible ecotourism by protecting biodiversity, traditional activities and increased access to education and health care.<sup>112</sup> The Achuar of the Sharamentsa community have full ownership and management of the Community Tourism Center, which employs Indigenous Peoples to offer a variety of tourism services. The income is used to support community health and education programmes and provides an economic alternative to mining, oil and timber extraction.

67. In Argentina, the Lickan Rural Community Tourism Network is run by 10 Kolla families as a cultural exchange to share the community's unique natural and cultural resources with visitors and generate income to improve their quality of life. The Association of Rural Business Owners, Turu Yaco, in Quebrada del Toro, Salta Province is comprised of 50 Tastil members, who manage tourist activities.<sup>113</sup> The Mbyá Guaraní Tekoá Yryapú Indigenous Peoples, along with the Iguazú Technological Institute and Niagara College in Canada, have undertaken the MATE Project (Argentine Model for Tourism and Employment) to enable Indigenous

<sup>107</sup> See <https://unesdoc.unesco.org/ark:/48223/pf0000249216>; <https://ich.unesco.org/en/individual-case-study-00988&id=00028>.

<sup>108</sup> See <https://naig2023.com/about/>.

<sup>109</sup> Submission by Mexico.

<sup>110</sup> Ibid.

<sup>111</sup> Submission by Consejo Regional Indígena y Popular de Xpujil S.C.

<sup>112</sup> Submission by Ecuador.

<sup>113</sup> Submission by Defensoría del Pueblo de la Nación Argentina.

Peoples to enter the tourism market in Iguazú National Park in Argentina.<sup>114</sup> The Confederation of Indigenous Women of Argentina is involved in cultural tourism and promoting a policy of interculturality and respect for Indigenous Peoples' rights through culinary arts, handicrafts and ancestral medicine.<sup>115</sup>

68. In Guatemala, Indigenous Peoples and their representatives are managing ecological parks in the Department of Totonicapán. With financial and technical support from the federal Government, they have opened the “Nuboso Maya Pokomchi” hostel, which has helped to provide income to ensure food security.<sup>116</sup> The Ak' Tenmit organization offers skills trainings to Mayan Indigenous women and youth to promote sustainable and participatory tourism activities and advance community collective rights.<sup>117</sup>

69. In the United States, the Alaska Native Heritage Center co-leads a state-wide cultural tourism workgroup dedicated to identifying successes and barriers and works with partners across Alaska to enhance capacity-building at the community level. This work creates jobs, brings in outside revenue, raises Alaska's global profile and increases economic diversity at local levels and across the state. It also enriches and increases cultural connection, understanding and respect, building empathy and relationships in Alaska communities.<sup>118</sup>

70. In the Caribbean, Indigenous Peoples have promoted intergenerational tourism projects. The Fondes Amandes Community Reforestation Project in Trinidad and Tobago involves members in ecotours and drumming performances. Youth cultural programmes provide young people with mentorship from elders and opportunities to showcase their talent. Among the Garifuna of Belize, the women of Hopkins run a tourism project, renting cabanas on the coastline.<sup>119</sup> The Garifuna of Hopkins also run cultural programmes and a cultural centre.

71. The Hadza Heritage is a project aimed at protecting, maintaining and preserving the land and culture of the Hadza Indigenous Peoples of the United Republic of Tanzania by evaluating and reducing illegal tourism. The project seeks to return lands to the Hadza and protect existing lands.<sup>120</sup>

72. In Latin America, the Organization of Indigenous Women United for Panama's Biodiversity and Artesanía Ngäbe Mary Sarita provide handicraft, hotel and community tourism services. Indigenous Peoples in Costa Rica offer lodging, trekking and traditional gastronomy activities and textiles. The Red Turística Mawari (Mawari Tourist Network) of the Bolivarian Republic of Venezuela provides tourism services, including Indigenous gastronomy (*tumaa*) and beverages (*kashire* and *parakari*) and handicraft tours. In Mexico, Indigenous organizations provide tourism, gastronomic, handicraft and integral health services, with the full and effective participation of Indigenous women and youth.<sup>121</sup>

<sup>114</sup> Ibid.

<sup>115</sup> Submission by Red de Mujeres Indígenas sobre Biodiversidad – América Latina y el Caribe.

<sup>116</sup> Ibid.

<sup>117</sup> Oral intervention, Special Rapporteur consultation of 25 May 2023.

<sup>118</sup> Oral intervention by Alaska Native Heritage Center. Special Rapporteur consultation of 25 May 2023.

<sup>119</sup> Submission by United Maroons Indigenous Peoples.

<sup>120</sup> Ibid.

<sup>121</sup> Submission by Red de Mujeres Indígenas sobre Biodiversidad – América Latina y el Caribe.

## VIII. Other models of tourism with positive effects on Indigenous Peoples

73. In Argentina, initiatives are in place at the federal, provincial and local levels. The federal Government has helped to create the Red Argentina de Turismo Rural Comunitario (Argentine Network of Rural Community-based Tourism) to provide technical assistance to Indigenous Peoples to help strengthen local tourist developments. In 2022, the General Council of Education of the Province of Misiones approved the creation of the Raul Karai Correa Higher Institute of Indigenous Community Tourism. The institute is the result of a coordinated effort among Indigenous Peoples, the MATE project (Argentine Model for Tourism and Employment) and Travolution Argentina, supported by the provincial Ministry of Tourism and the governors of Misiones. The institute offers a three-year vocational technical training programme, including Interpreter Guide of Natural and Cultural Heritage and Indigenous Tourism Manager.<sup>122</sup> Local authorities and the Museo de Arqueología de Alta Montaña (High Altitude Archaeological Museum) entered into an agreement with Indigenous leaders to pay restitution for the “Children of Lullailaco” exhibit of three Indigenous children whose bodies were discovered in well-preserved condition.

74. The Government of Mexico has promoted a programme to support Indigenous-led tourism services and products that preserve, transmit and share heritage and knowledge.<sup>123</sup> The National Institute of Indigenous Peoples runs a website that highlights 95 tourist sites of high cultural, natural and historical value that are managed by Indigenous Peoples.

75. The Guatemalan Institute of Tourism reported that funding from Swisscontact helped Indigenous Peoples of the Bombil Pek community to receive technical training, equipment and consultations on how to develop tourism. The organization also helps Indigenous women weavers of the Ri Aj Poop Batz organization and trains and accredits community members as local guides in the communities of Samac, Chicoj and Ri Aj Poop Batz.<sup>124</sup>

76. In Ecuador, the Ministry of Tourism, in coordination with international organizations, promotes technical assistance projects to enhance ecotourism initiatives and enterprises led by Indigenous Peoples.<sup>125</sup> Ecuador has implemented the project “Development of productive alternatives and sustainable livelihoods in the Kichwa Añangu community”, which is aimed at strengthening community agricultural practices, increasing tourism activities, including the “Frog safari”, and protecting biodiversity while conserving traditional practices and creating jobs.

77. Following a country visit to Namibia in 2013, the mandate holder commended the Government for its management of Bwabwata National Park in consultation with the Kyaramacan Association, which represents the Khwe San Indigenous Peoples living within the park. The Ministry of Environment, Forestry and Tourism facilitated the establishment of innovative land use and benefit-sharing arrangements with the Kyaramacan Association to gain concessions to benefit economically from big game trophy hunting and to build a tourism lodge. The mandate holder reported that despite such promising developments, the Khwe San still faced numerous challenges with respect to economic assistance and capacity-building to get their development

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<sup>122</sup> Submission by MATE (Argentine Model for Tourism and Employment).

<sup>123</sup> Submission by Mexico.

<sup>124</sup> Submission by Guatemala.

<sup>125</sup> Submission by Ecuador.

initiatives off the ground, as the majority of Khwe San people in the Bwabwata Park area live in situations of abject poverty and marginalization (see [A/HRC/24/41/Add.1](#)).

78. The Government of Canada, through the Ministry of Tourism, held round tables with national, provincial and territorial Indigenous tourism organizations and several Indigenous tourism businesses to gather input for the creation of a Can\$20 million Indigenous tourism fund, and a new federal tourism growth strategy is being developed with Indigenous tourism partners to support the needs of Indigenous tourism businesses.<sup>126</sup>

79. The Government of Chile has promoted a course on authenticity and marketing of Indigenous tourism called “Market-ready Indigenous Tourism”, whose contents were designed with support from Indigenous organizations. It has also provided opportunities to raise awareness of Indigenous tourism in the tourism market, involving Indigenous representatives in the design and dissemination of promotional material. The Government of Chile has also promoted the Indigenous governance and co-management of the National System of State-Protected Wildlife Areas.<sup>127</sup>

80. In Colombia, in February 2023, the Ministry of Commerce, Industry and Tourism launched a new tourism policy called “Tourism in harmony with life”, which is aimed at preserving biodiversity, tangible and intangible heritage and the generation of income for ethnic and local communities. In the case of ethnic communities, the policy promotes guidelines to preserve their territories, resources and knowledge. The policy also respects the land management plans of ethnic communities, such as the “plans of life”, “ethno-development plans” and the “long road plans”.<sup>128</sup>

81. The Government of Australia offers grants for Indigenous tourism operators to develop and extend place-based, tailored services from industry experts, to support First Nations tourism businesses across the country. In addition, the Government co-invests with states and territories in large-scale First Nations tourism projects to stimulate and strengthen the economic participation of First Nations peoples in the visitor economy.<sup>129</sup>

## IX. Conclusions and recommendations

**82. The tourism industry can represent an opportunity for Indigenous Peoples to strengthen their rights to autonomy, lands, territories and resources, self-development, social and economic empowerment, and protection of natural and cultural heritage, knowledge and skills. These benefits can be achieved only through the participation of Indigenous Peoples themselves in any project that affects them and by embracing a human rights-based approach to tourism. While the Special Rapporteur notes good practices promoted by States and the private sector to ensure that Indigenous Peoples can benefit from tourism projects, the existence of gross violations of human rights related to tourism shows that much work remains to be done to align due diligence and ethical standards of the tourism sector to existing human rights standards on Indigenous Peoples to ensure that the tourism sector respects human rights.**

**83. Negative impacts of tourism activities on Indigenous Peoples include the expropriation of their land and resources, militarization of their territory,**

<sup>126</sup> Submission by Canada.

<sup>127</sup> Submission by Chile.

<sup>128</sup> Joint submission by Indigenous Peoples Rights International and International Work Group for Indigenous Affairs.

<sup>129</sup> See <https://www.niaa.gov.au/indigenous-affairs/economic-development/first-nations-tourism>.

violence against human rights defenders, commodification, loss and misuse of Indigenous culture, unfair distribution of benefits, violence against women and children and inequitable working conditions for Indigenous workers.

84. States should adopt adequate legal frameworks that recognize and protect the rights of Indigenous Peoples in the context of the tourism industry and consult with Indigenous Peoples when adopting tourism legislation and policy. When Indigenous Peoples decide to engage in the tourism sector, they should be financially and institutionally supported. The private sector working in this industry must comply with international obligations to respect the human rights of Indigenous Peoples as outlined in the Guiding Principles on Business and Human Rights. Tourism projects in Indigenous Peoples' territories must recognize the special rights of Indigenous Peoples within their own territories and their cultural practices, legal systems and sacred areas. Before decisions concerning tourism activities are taken, the affected Indigenous Peoples must be consulted to obtain their free, prior and informed consent. In addition, business operators must perform their due diligence, respect and equitably share benefits, and establish accessible remedies.

85. Indigenous-led tourism empowers Indigenous Peoples to engage in self-determined development, strengthen and revitalize Indigenous institutions and culture, generate revenues to support their social and economic growth, counter the migration of young people by offering employment opportunities and support Indigenous women's participation and entrepreneurship. In addition, interaction with tourists can generate support for community-identified needs and initiatives, exchanges that promote solidarity for Indigenous Peoples' rights, and shared values that combat racial discrimination, biodiversity loss and climate change.<sup>130</sup>

86. The Special Rapporteur encourages tourists to choose Indigenous-led tourism initiatives or those with direct business relations with Indigenous Peoples and to respect Indigenous protocols and other guidelines while visiting Indigenous communities, including the taking of photographs or videos of Indigenous peoples, sacred areas, rituals and ceremonies; access to sacred locations; and participation in ceremonies and rituals.

87. The Special Rapporteur reiterates the recommendations contained in previous reports on protected areas and conservation measures ([A/71/229](#) and [A/77/238](#)) and further recommends that States should:

(a) Provide Indigenous Peoples with legal recognition of their lands, territories and resources; such recognition should be given with due respect for the legal systems and land tenure systems of the Indigenous Peoples concerned;

(b) Refrain from deploying military forces in relation to tourism projects in Indigenous Peoples' traditional territory without consultation and their free, prior and informed consent;

(c) Adopt laws and regulations in consultation with Indigenous Peoples to protect access to their knowledge, cultural expressions and cultural heritage, including regulation of collective intellectual property rights and fair and equitable sharing of benefits;

(d) Refrain from granting tourism licences or authorizing tourism projects and infrastructure that may have an impact on Indigenous Peoples without consulting them and obtaining their free, prior and informed consent;

<sup>130</sup> Submission by ICCA Philippines.

(e) Ratify and implement international instruments, standards or guidelines relevant to the tourism industry and Indigenous Peoples' rights;

(f) Develop and enforce specific legislation and other culturally adequate and gender-oriented measures to prevent illegal, abusive or exploitative tourist activities, including sex trafficking and labour exploitation;

(g) Promote appropriate measures to inform tourists about the cultural and ecological impacts of tourism activities, including signs and interpretive displays to indicate and explain Indigenous cultural places, use of Indigenous place names, destination-specific in-flight educational videos and other materials on sustainable tourism;

(h) Provide adequate support to Indigenous-led tourism initiatives by:

(i) Removing fiscal and other regulatory hurdles;

(ii) Reducing administrative burdens to facilitate Indigenous Peoples' access to capital and services;

(iii) Collecting data on Indigenous tourism to help inform the development of programmes and policies;

(iv) Supporting Indigenous marketing initiatives and online and social media presence to strengthen Indigenous Peoples' capacity to raise awareness about their tourism initiatives and promote their products in the tourist markets in competitive ways;

(v) Developing, in consultation with Indigenous Peoples, adequate infrastructures and services, such as Internet and transportation, especially in rural areas;

(i) Undertake, in coordination and cooperation with Indigenous Peoples, initiatives to facilitate Indigenous Peoples' active participation at all levels of the tourism development process, including transparent decision-making, sharing of benefits, and awareness of the social, economic and environmental costs and benefits;

(j) Provide adequate financial and human resources to support Indigenous women's entrepreneurship and leadership in the tourism sector, including their participation in national and international meetings, and recognize and encourage Indigenous women's community-based tourism projects, with their full and effective participation;

(k) Consult in good faith and obtain the free, prior and informed consent of affected Indigenous Peoples before passing laws to restrict the trade and importation of legally obtained wildlife products;

(l) Establish criteria for inclusive conservation of biodiversity and natural resources and incorporate the limits of tourism carrying capacity, as well as programmes for waste management, water conservation and pollution control, with full respect for Indigenous spiritual activities.

88. **Businesses and non-State actors should:**

(a) Respect the rights of Indigenous Peoples, in line with business responsibilities to respect human rights under the Guiding Principles on Business and Human Rights, beyond obligations under national legal frameworks and as guaranteed under ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples;

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- (b) Ensure that tourism operations do not practise any form of labour exploitation, in particular of children, young people and women;
- (c) Ensure that Indigenous Peoples' labour rights are fully respected, in particular concerning Indigenous children;
- (d) Carry out good faith consultations and obtain Indigenous Peoples' free, prior and informed consent before adopting any projects that may affect them, including the planning, design and management of tourism projects, products and services, policy formulation and sharing of benefits;
- (e) Establish, in consultation with Indigenous Peoples, adequate and accessible accountability mechanisms and remedies to redress the negative effects of tourism initiatives, including the establishment of game reserves, the selling of products that reproduce Indigenous culture, and tourism infrastructures. Redress should include, where possible, the restoration of Indigenous Peoples' access to resources and the return of their land;
- (f) Support, when Indigenous Peoples so require, Indigenous Peoples-led initiatives by:
- (i) Undertaking measures to provide flexible and favourable grants and funds to support initiatives taken by Indigenous Peoples;
  - (ii) Supporting Indigenous Peoples to engage in community-based tourism ventures and provide training to develop their own management capacities;
  - (iii) Offering mentoring and training to Indigenous communities if they wish to start new businesses and improving their supply chain, access to markets, management and hospitality skills;
  - (iv) Establishing hiring preference for Indigenous guides and training young people to become tour guides, and facilitating the mentoring of future entrepreneurs;
- (g) Develop codes of conduct to avoid the commodification of Indigenous culture and respect Indigenous Peoples' protocols on consultation, access to Indigenous knowledge and cultural heritage;
- (h) Ensure that Indigenous tourism experiences are led or controlled by Indigenous Peoples and establish, in consultation with Indigenous Peoples, a transparent and accountable mechanism of distribution of benefits and revenues generated through Indigenous tourism products, services and experiences;
- (i) Guarantee equal and fair participation of Indigenous Peoples in local, regional and national tourism planning processes that can have an impact on them;
- (j) Inform tourists of local traditions, beliefs and protocols before arriving in Indigenous communities;
- (k) Ensure that sites with restricted access for cultural practices and ceremonies are clearly understood and respected by both the guides and the tourists, whether for spiritual reasons, privacy or safety issues;
- (l) Provide Indigenous cultural awareness training for non-Indigenous tour guides; assist with the preparation of clear guidelines or codes of conduct for visitors to respect community protocols and rules; and provide tourism partners with information on the cultural specificities of Indigenous Peoples when they engage and work with the Indigenous culture, communities and businesses.