Tourism projects are often designed and implemented without respect for the rights of Indigenous Peoples, including the right to self-determination; lands, territories and resources; free prior and informed consent; as well as economic, social and cultural rights. Furthermore, the travel industry is often deeply voyeuristic in the way it views Indigenous cultures. Tourist hunger for ‘authentic’ experiences of traditional culture can imprison Indigenous societies in a stagnant state, where they feel forced to reconstruct their ethnicity as photogenically as possible to their visitors. A perspective often amplified and promoted by governments, who proudly showcase the cultural diversity of their country. This often results in the commodification of cultural markers, so that religious practices, cultural observances, and festivals are embellished to attract and impress tourists. Commodification can lead to a lack of respect for traditional symbols and practices, and to the fragmentation of the community’s values.

While tourism may seem to be doing good for the society, it also is creating social and psychological consequences for the Indigenous Peoples that are more detrimental than beneficial. The ability to financially benefit from the tourism industry and, to some extent, aid in the exploration of local culture and traditions are some beneficial consequences. However, it has extremely detrimental effects on them.

Displacement is one of the negative impacts of tourism on the Indigenous Peoples. The State’s focus on maintaining tourist sites such as a National parks, Hunting Reserves, and other types of infrastructural development linked with tourism, has led to displacing them from their ancestral lands.

This submission is jointly produced by the International Work Group for Indigenous Affairs (IWGIA) and Asia Indigenous Peoples Pact (AIPP). It compiles examples of how conservation efforts linked to tourism, and the development of tourism infrastructure and projects in Asia have caused eviction of Indigenous Peoples from their lands; contaminated natural resources; threatened their indigenous livelihoods and restricted access to sacred places and resources. Additionally, the examples also highlight how tourism projects can lead to violence against Indigenous women, militarization, and lack of security for the Indigenous Peoples affected.

Tourism infrastructure

With the introduction of tourism in areas where Indigenous Peoples live, infrastructure development follows (roads, hotels, staff housing, restaurants, shops, sewage etc.). A few examples of such projects and their consequences are listed below.

Bangladesh

Bangladesh is an example of an ‘integral’ state that uses both coercion (policy and army) and the means of hegemonic power in civil society to harness consensus to expand on indigenous lands. The economic and
political returns of this expansion by mainly land expropriation are reaped by outsiders and not the local Indigenous Populations.

A study\textsuperscript{2} analysis of the tourist industry in the Chittagong Hill Tracts reveals the inherently contradictory state discourses, which on the one hand attribute a pristine indigenous cultural distinction to the inhabitants and on the other hand, the state has been and continues to eradicate and repress indigenous cultural identification if and when it is invoked to make political or economic claims, in this case autonomous status, or simply the right to owning and living on their land.

Villagers of the Mro community face eviction threats from eight of their ancestral villages at Chimbuk hill in Bandarban district in the Chittagong Hill District, Bangladesh due to the construction of a five-star hotel (including an amusement park and artificial lake) in their ancestral lands.

Officials of the Army Welfare Trust and a giant business entity (the Sikder Group-owned R&R Holdings Ltd.) have jointly encroached on their indigenous farm-land, village forest, cremation grounds and different fruit orchards to construct the hotel. Some of the villagers have already been evicted, while others are facing threats due to the construction of the hotel. 800-1000 Acres of their land will be adversely affected by this project.

The hills around the Mro are being cut, trees are being felled, and water sources are being disrupted taking a huge toll on this otherwise sedate region. Not only will this "development" initiative take a severe toll on their lifestyle and livelihoods, it would also harm the flora and fauna and thereby the ecological balance of this pristine expanse, one of the very few that exist in Bangladesh.

Twelve hills will be connected with cable cars. Water, power and other utility services for the facilities, including the residential quarters of the staff members, would require construction of a network of buildings, roads, drainage and sewage system. All these structures will be constructed on land that hosts dwellings of hundreds of Mro families, forests, streams and fountains, orchards, temples, sacred cremation grounds, holy stones, revered hills, and the like that are integral to the identity of the Mro.

Initially, it will lead to displacement of at least 115 families of four villages, and 10,000 more Mros of adjoining villages are likely to be affected.

The Mro community has protested the restrictions imposed on their free movement in the Chimbuk hills due to cordonning off larger areas than the area under lease by security forces. They are also being subjected to threats and intimidation because of the protests. The presence of army personnel and spies has increased exponentially in the villages of student leaders and human rights defenders. The community members are questioned by army personnel, who want information on the whereabouts of the youth, who are organizing the protests. They are in hiding fearing for their lives. The villagers are harassed over phone or in person. They are demanded to show up in army camps, where they are made to wait for hours, whereafter they are physically and mentally humiliated and tortured for another few hours. The army has publicly threatened community members of killing indiscriminately with brushfire if they plan or stage any protest or demonstration. Given the army’s track record of extrajudicial detention of Indigenous Peoples on numerous occasions and the impunity it has always enjoyed, the threat to life is real.
The project violates the Constitution of the republic of Bangladesh, provisions of the CHT Regulations 1900 (reinstated by the Appellate Division of the Supreme Court on November 22, 2016), Bandarban Hill Council Act 1989, Chittagong Hill Tracts Land Commission Act 2001, and many established protocols and traditions.

The Indigenous communities of the area were not informed, and definitely no FPIC was given by the community for this “development” on their land. As members of an Indigenous community, they are supposed to be protected by a number of national and international laws, regulations, protocols, declarations and customs. On October 8 2020, they appealed for redress to the highest executive of the state through the District Commissioner without success.

The army’s occupation of Mro ancestral lands and the growing tourism in the area has left Indigenous women vulnerable and insecure. The traditional handmade clothing that many Mro women wear offers less coverage, and having a bare upper body is customary and still seen amongst the Mro today. However, there are rising numbers of “mainstream” Bengali and army people who visit their villages and condemn, laugh at, and even sexually abuse these women because of their clothing. Sexual abuse and other forms of violence against Indigenous women is a huge problem in Bangladesh. With perpetrators rarely being held accountable, the social stigma and other cultural barriers, many of these cases go unreported. Instead, Mro women are pressured to move away from their culture and identity and assimilate themselves into foreign mainstream ways of dressing. The loss of this land will force the Indigenous women to change their ways completely.

Nepal

Pathivara Darshan Cable car (PVT.LTD), an influential private company founded in 2015, wanted to implement the Patibhara Darshan Private Limited Cable Car in Mukumlung, known as “Patibhara”, in Taplejung district. On August 21, 2018, the National Planning Commission recommended a project for the Government of Nepal (GoN) to build a ropeway business that would commercialize Mukumlungma, a sacred mountain of the Limbu [Yakthung] people, which is situated in the Limbuwan (Yakthung Laje) Taplejung District, Fungling Municipality.

The idea is to commercialise an Indigenous sacred site into a tourist hub by constructing a cable car and changing the name of the place from the original Limbu name to a Hindu name. However, they have not done anything to obtain the free, prior and informed consent of the Indigenous Peoples. The representatives of the Yakthung (“Limbu”) clans and Lawyers Association for the Human rights of Nepalese Indigenous Peoples (LAHURNIP) jointly submitted a complaint to the National Human Rights Commission, demanding that its original name of Mukumlung be retained and urging the NHRC to put pressure on the government and the company to stop the destruction of their sacred sites.

The Mukumlungma is a strong woman’s spirit who is worshiped by Limbus for power, prosperity, and wellbeing, according to Mundhum, a cosmovision of the Limbus. The project was approved by the government without consideration of Limbus' identity, beliefs, and rights, which are protected by articles 26 (right to religious autonomy), 32 (right to protect cultural sites, civilizations, and heritages), and 51(j)(8), which guarantees the right to life with identity and dignity, of the constitution of Nepal. The Pathivara Development Committee was established by the Government of Nepal in order to encroach upon and incorporate Mukumlungma into the Hindu deity Pathivara (Bardatry Bhagawati).
The establishment of the rope way and other commercial activities in the Mukumlung sparked fierce opposition from the Limbu community who saw it as cultural colonization and assimilation. The company received approval to remove more than 10,000 trees, including sacred trees, medicinal plants, flora, and fauna, endangering the environment and biodiversity severely. It is a community-protected customary forest here. One hundred forty-seven community leaders from ten provinces filed a writ petition with the Supreme Court of Nepal on February 11, 2021. The case is currently sub-judice.

Conflict with the community was caused by the company’s aggressive attempt to clear the forest and build the rope way while having the government’s security support. Threats, intimidation, fabricated charges, and retaliation have been leveled at community leaders. From September 26 to September 30, 2022, the security authority threatened Mr. Dhan Kumar Limbu, Mr. Dhruba Maden, and Mr. Purna Palungwa.

Thailand
The Chaoley Indigenous Community in Thailand, the original peoples of the sea, are facing serious difficulties linked to tourism development and declaration of marine national parks in Thailand.

The U-Lak-Rawoy of Lanta Island, who are part of the Chaoley, were traditionally nomadic, shifting living sites around the island depending on where the fishes could be caught. They did not know about land ownership until they one year came back to one of their territories, where they used to live parts of the year, only to find it occupied by a tourist resort, and the owner of the resort had papers to claim the land. The land-grabbing started more than 60 years ago - and is still the biggest concern of the indigenous communities in Lanta Island today. All the Chaoley in Lanta Island are today permanently residing in 5 places (there used to be 7 - but 2 have been pushed of their land and moved in with other Chaoley communities or to another island). Their Indigenous livelihood practices are deeply linked to the sea. Due to the declaration of the Marine National Park, they are limited in their rights to fish, and have to travel further and further into the deep sea for fishing. Their traditional boats are not built for this purpose, and it poses a great risk to their lives.

The children in this community go to school in town - it is mixed IP children and Thai children, so they are only taught the Thai curriculum. There is another community on the island that is 100% Chaoley (Sang A U) - they have managed to get recognised and given a "special cultural zone", including the right to teach in their mother tongue. The community is advocating to upscale this status from a resolution to law. The government is now planning to pilot the Toh Ba Lieu community as another Special Cultural Zone (so far they have provided small funds to a communal space and some information on them to tourists).
During a visit by IWGIA and IPF to the Phi Phi islands in 2017, we visited 2 areas - both mainly now occupied by the tourism industry. In the first area there was only one U-Lak-Rawoy family left. They had already sold their land years back, but the new owner had allowed them to stay till now. They never know when they will be kicked out, and they have no idea where to go when it happens.

Similarly in the second community, there is only 1 person left who still claims a bit of land. On his land all the other U-Lak-Rawoy now live cramped together in a slum-like area. They have unreliable access to electricity. The trash is not being taken away, and there are not enough latrines. The whole area is fenced in from the surrounding holiday resorts - this means that if there is another tsunami or a fire the villagers are trapped. The resorts have cut off their access to a natural spring that used to be their main water supply - the resort is now using this water, and the community has to buy all their drinking water - water for cleaning and washing they get from 3 different wells (and the rainwater they are able to harvest) - but it is not clean enough for cooking and drinking.

In 1987 the Phi Phi Don company asked for the documents the U-Lak-Rawoy had on their land - they collected all the documents and never gave them back. Then they started building the hotel - they even burned the huts of the indigenous peoples while they were out fishing, to chase them away from the land (1986). This made big headlines in the national news, which prompted the police to show up, and tell the company that they are not allowed to build a hotel unless they let the U-Lak-Rawoy stay. So, the hotel company allocated 4 Rai of land to the people (1 Rai = 1.800 m²), which was not enough for all of them. Some of the families had moved to another island for the season, and when they wanted to return there was no space for them. Only 17 families remained.

Since then, the land has shrunk - bit by bit the surrounding hotels have taken more and more land, and now the whole area for the U-Lak-Rawoy is 1,8 Rai (2.880 m²) for the 32 families who live there (90 m² pr. household minus some m² for pathways and common facilities). Every time a piece of land was taken, the U-Lak-Rawoy were afraid to speak up, because the people taking the land are very powerful and well-connected.

Also, the hotel has twice asked the community to sign some papers (2004 and 2011). They do not know what they have signed - in 2011 everyone who signed was given 5 kg. of rice and 500 Bhat.

The government has established a national committee to solve the issues of the Chaoley peoples due to a cabinet resolution that was declared in 2010. The resolution has all the right words about restoring the land and traditional livelihood of the peoples, but so far nothing has been solved.

The land issue is further being complicated by the fact that most of the island is declared a national park, so there are very strict rules as to where one can build houses etc. so even though there is still space available, it is not possible for the indigenous communities to use that space. Also, the U-Lak-Rawoy are being intimidated and harassed by the park authorities - e.g. a large tree that is considered holy had been cut down. Some indigenous youth had posted pictures of it on facebook, and had complained about it there - shortly after the park authorities went to pay them a visit scolding them for shaming their work in public.

Now the Chaoley peoples have been forced over many years to abandon their traditional livelihood and change their way of living (due to land grabbing, and national parks declaring they cannot fish and farm where
they used to). Now most of them are dependent on the income they can earn through the tourism industry (employed as boatsmen, cleaners, servants etc.).

**Conservation and tourism**

Establishment of national parks and conservation areas are for many governments an incentive to increase tourism and thus economic development. The establishment and management of protected areas worldwide has however often resulted in Indigenous Peoples’ dispossession and alienation from their traditional lands and resources, forced evictions, restrictions on the traditional use of resources, loss of livelihoods and access to sacred sites, and other injustices and human rights violations committed against Indigenous Peoples. This legacy, from which many Indigenous Peoples continue to suffer, is also shared by many of the protected areas inscribed on the World Heritage List. Of the more than 1,000 areas designated as World Heritage sites under UNESCO’s 1972 World Heritage Convention, a large number are fully or partially located within the traditional territories of indigenous peoples and are of great significance for their livelihoods and their spiritual, social and cultural well-being. World Heritage sites can play a positive role for indigenous peoples by helping them protect their lands and territories, cultures and heritage from development pressures. However, throughout the World Heritage Convention’s history, indigenous peoples have frequently raised concerns about violations of their rights in World Heritage sites. With the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), the principles of which UN agencies such as UNESCO are required to promote and apply in their work, there has been increasing attention on the need for improvements in the way the World Heritage Convention is implemented, in order to ensure that the rights of indigenous peoples are respected in World Heritage sites.

**Nepal**

Following are some representative instances of tourism that have adverse impacts on the indigenous peoples in Nepal: the Bote community in the Chitawan district is confined to a small holding after being uprooted from their traditional lands. Their original home had a river, riverbanks, and forested areas of Chitawan National Park. They have been displaced and offered no alternative means of subsistence, eventhough they are no longer able to practice their traditional livelihood practices (fishing and collecting NTFPs). They have not received land registration documents or payment for being forcibly removed from their ancestral lands; Similarly, Indigenous communities, such as the Chepang and Majhi peoples, were initially driven out of their homes in this area when Chitwan National Park was established in 1973. In the same way, the only reserve in Nepal where hunting blue sheep and other animals is permitted is the Dhorpatan Hunting Reserve. It was established in 1987 under the National Parks and Wildlife Conservation Act-1973, which covers an area of 1,325 km2 (512 sq m) in the western Nepalese Dhaulagiri Mountain in the Rukum, Myadi, and Balung Districts, which are the ancestral lands of Indigenous Peoples, particularly the Magar, Gurung, Chhantyal, and Thakali.

It is a direct violation of the rights of Indigenous People when the Nepali army and armed police are deployed in the name of building roads, commercial complexes, and so-called protection zones for wild animals and
the forest. Additionally, the involvement of corporate sectors has a negative effect on Indigenous Peoples' rights. Indigenous conservation lands have been impacted, benefiting individual investors, by projects like the construction of cable cars in Kalinchok, Nagarjun, and others.

Another crucial issue in the context of Nepal is the commodification of Indigenous Peoples' cultures in the name of tourism. For instance, the commercialization of offensive folk music and culture destroys the essence of the original. Additionally, wearing native attire to promote peace for business purposes. For instance, some airplanes without Sherpa consent use air hostess attire made of Sherpa clothing.

In the Chitwan National Park (CNP), Nepal, the WWF conservation project Terai Arc Landscape Program, financed by donor agencies, have engaged soldiers and park ranger who have committed grave human rights violations against the local population including murder, torture and sexual crimes. This case was covered by the news agency BuzzFeed and IWGIA has supported a subsequent fact finding mission (see report).

Indigenous Peoples in Nepal do, in fact, take part in the planning, carrying out, and managing of tourism projects. The Newar, Tharu, Tamang, Gurung, Magar, Sherpa, and other Indigenous Peoples who call Nepal home have distinctive cultures, traditions, and knowledge systems that attract tourists. In Nepal, some instances of initiatives for indigenous-led tourism include: Mundhum Trail Route; Chitwan Tharu Cultural Museum & Research Center etc. However, such initiative are not funded and supported by the state for their promotion and protection.

Thailand
The UNESCO World Heritage Committee on 26 July 2021 passed a decision inscribing the Kaeng Krachan Forest Complex (KKFC) in Thailand on the World Heritage List, ignoring repeated pleas of Indigenous peoples, the National Human Rights Commission of Thailand and the UN human rights system to defer listing. The decision tramples upon the dignity and human rights of the Karen Indigenous communities in the KKFC, as well as some of the most fundamental principles, purposes and values of UNESCO, such as the furthering of respect for human rights, the protection of cultural heritage, the safeguarding of cultural diversity, the fostering of sustainable development, and the promotion of a culture of peace. It also tramples upon the purposes and principles of the United Nations according to the UN Charter. The nomination process of the KKFC was accompanied by blatant human rights abuses against the Karen, which were strongly denounced by multiple human rights bodies. The human rights violations included violent forced evictions of the Karen communities from their traditional lands, burning of Karen houses, unlawful arrests and prosecutions, and even murder and enforced disappearance of human rights defenders. The problems are ongoing.

The Karen Indigenous Peoples of Bang Kloi used to live inside the Kaeng Krachan National Park in their original village (Bangloi Bon- Jai Paen Din) – a place they had lived in sustainably for hundreds of years. However, due to alleged national security reasons, they were evicted in 1996. In 2010-2011 the Indigenous Karen who returned home to their ancestral lands, was met with a deadly operation (Tenasserim Operation) which led to a second evacuation in 2011. The relocation and rehabilitation was brutal for the Karen Indigenous People, whose human rights, Indigenous ways of life, and dignity was totally ignored in the process - despite a cabinet resolution from 3 August 2010 on the Recovery of Karen Livelihoods. 70 village members tried to return to their ancestral home in January 2021, but where again forcefully removed.
India
The Kaziranga-Karbi Anglong area is a vital site situated within the Indo-Burma biodiversity hotspot. It is spread over 25,000 km² south of the Brahmaputra River in Assam, touching the neighboring states of Meghalaya and Nagaland in north-eastern India. Kaziranga National Park (KNP) of Assam falls in three districts, and is one of the biggest protected areas in the northeast India. There are 74 villages in the surrounding area of the Park with a population of 65,000, mostly marginal and landless farmers, cattle breeders, fisher folk and daily wage earners. Many of them are Indigenous Peoples living in or alongside these forests for centuries, collecting firewood, herbs and other forest produces.

The policies of Kaziranga National Park, that plans to double its own territory in the name of additions and corridors, continuously felt the need of displacement, aggravating into an environment of conflict. The improper Government declaration including ‘Eco Sensitive Zones’, ‘Tiger Reserve Forest’, ‘Extension of Kaziranga National Park’ and ‘Animal Corridors’, evictions, regulations of compensation and fake encounter of innocence in the name of anti-poaching have disturbed the Local communities of Kaziranga (AIPP internal fact finding report).

The concerned local organizations have protested against the issues. They have demanded for justice and implementation of Forest Rights Act, 2006, SC/ST Prevention of Atrocities Act etc. They wanted community engagement in the environmental conservation efforts. As both conservation of natural environment and protection of the Rights of Indigenous communities are very important so through exercise and consultation of Free, Prior, Informed, consent could produce better result for both conservation efforts and Rights of Indigenous communities.

In the past decade, India has seen a revolution in tourism, and tribal tours have become extremely popular among tourists from all over India and abroad. As per the 2013 survey by the Ministry of Tribal Affairs, tribals form 8.6 percent of the total Indian population. These ‘tribal tours’ offering travel agencies are money making giants that do not take a culturally sensitive and ethical approach to tourism. They work on mechanical business principles such as ‘Unique Selling Point’ to run their businesses and do not bother about social consequences.

Recommendations
In his report to the UN General Assembly, we recommend the Special Rapporteur to consider the following recommendations:

- Any tourism project in Indigenous Peoples territories must recognise the distinct rights of Indigenous Peoples within their own territories, their cultural practices and customs, sites of cultural and spiritual importance, and should be given meaningful engagement in the process, which affects them. The decision must be carried out with Free, Prior and Informed consent of the Indigenous Peoples.
The governments must protect and business operations must perform their due diligence, respect and engage in collective decision-making, respecting the rights of all concerned, and benefits must be shared equitably. Access to remedy mechanisms should be put in place.

Notes and references

1 (PDF) Tourism Interference and Cultural Sustainability of Indigenous Community (researchgate.net)


3 Help protect the Indigenous Mro from forced eviction – Read the open letter - IWGIA - International Work Group for Indigenous Affairs

4 Justice for Lakingme! - IWGIA - International Work Group for Indigenous Affairs

5 “If I lose my land, I am no one. I have nothing”: A desperate plea of the Indigenous Mro facing eviction from their land. - IWGIA - International Work Group for Indigenous Affairs


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