Submissions to the UN Special Rapporteur on the rights of indigenous peoples on tourism and indigenous peoples' rights

Indigenous Peoples Rights International
Championing Indigenous Peoples Rights

IWGIA

Introduction

Tourism is one of the biggest global industries today. In 2021, travel and tourism direct contribution to GDP worldwide was approximately 5.8 billion US dollars.[1] Promoted by most countries in the world, tourism is perceived as a direct source of foreign currency and generator of jobs at the local level.

But the development of mass tourism, concentrated in a few multinational companies, has been subject to international criticism in terms of human rights and environmental impacts. Such tourism is linked to infrastructure development and land grabbing, that result in violations of indigenous peoples' rights to their lands, territories and resources. In some cases, indigenous peoples unwillingly become the tourism attraction themselves, and the uncontrolled marketing of arts and crafts and the commodification of their cultures have had very negative effect on their cultural rights. At the same time, some indigenous peoples and communities have developed themselves tourism community projects as a source of income for their communities but also with a view to be in control of the relation with visitors and communicate on their own cultures and ways of life.

This year, the UN Special Rapporteur on the rights of indigenous peoples announced his intention to develop and submit a thematic report to the UN General Assembly in October 2023 focusing on the different aspects of tourism and the tourism industry in relation to the rights of indigenous peoples.

In order to share further light to the different aspects of the issue, Indigenous Peoples' Rights International (IPRI) and the International Work Group on Indigenous Affairs (IWGIA) have requested partner organizations and experts to provide their views and information on particular cases and have compiled them in the present publication. We hope it can be a useful contribution to the work to be developed by the Special Rapporteur.

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1 https://www.statista.com/topics/962/global-tourism/

Tourism and the Rights of Indigenous Peoples in the Andean-Amazon Region

Pablo Ortiz-T.

Bermejo River - A´i Cofan territory. Photo: Alex Lucitande

Historically, the indigenous peoples of Latin America have been victims of highly exclusionary nation-state and territorial planning projects that have prevented or structurally restricted the full exercise of their political, economic, social and cultural rights.

Despite this historical legacy, in the last half century, especially in the Andean and Amazonian countries, indigenous movements have emerged in defense of their territories, besieged by aggressive processes of dispossession by settlers and concessions given to the mineral or oil extractive industry and agro-industrial or timber capitals. But also, movements claiming collective rights of indigenous peoples, would be progressively recognized at the international level through tools such as Convention 169 of the International Labor Organization (ILO) or the United Nations Declaration on the Rights of Indigenous Peoples of 2007.

In this general context, some peoples and their organizations have succeeded in having their territories recognized, legalized and titled. Many have advanced in the exercise of territorial autonomy and self-management, which involves the design of plans and programs for local and community economies. This is precisely the scenario in which initiatives are being visualized in the field of community tourism, ethno-tourism or indigenous tourism. The conceptualization of these has been the subject of extensive debate.

This paper on tourism and the rights of indigenous peoples revolves around a central question: how do tourism activities within indigenous territories strengthen or weaken their control, processes of autonomy, the exercise of their collective rights, and the processes of construction and strengthening of their cultural identities?

To answer this question, the paper focuses on two basic sections: first, a general overview of tourism and the commercialization of indigenous culture; second, community tourism initiatives and indigenous territorial self-management processes; and finally, a section of preliminary conclusions.

Tourism and the Commodification of Indigenous Culture

In the mid-twentieth century in several countries of the region, many indigenous communities and their cultures became the object of tourist attraction. This change took place within the context of indigenism as an ideological current supported by the State and groups of modern landowners, who claimed indigeneity as the basis of nationality. In this context, the Indian was conceived with certain physical features, clothing, language and a material culture identified in food and housing; and, in turn, it was assumed that the natural habitat was the remote areas of the high mountains (in the case of the Andes) or the deep jungles (in the Amazon). In addition, the indigenists inspired policies that privileged education as the main mechanism for integrating the Indians into national projects.

This led to great paradoxes and contradictions, as occurred in Peru and Mexico during periods of rising nationalism. There was a broad vindication of the original pre-Hispanic or pre-Columbian societies, while the demands made by the nascent indigenous and peasant organizations demanding access to land and recognition of rights such as education were profoundly rejected. "Incas, yes! Indians, no!" would be the Creole and mestizo slogan heard in the Peruvian capital, Lima, while Andean communities fighting for land were repressed. At the same time, emblematic museums were established to highlight the splendor of ancient civilizations (museums of the nation, of gold, of anthropology) and, at the same time, demands made by indigenous communities and organizations for land and basic services

were denied.

In this context, the use and distortion of folklore also emerged. Far from being the cultural expression of indigenous peoples through music, dance, crafts, among other manifestations, it was reduced to constructing forms of ethnocentric representation through cultural appropriation by extracting cultural elements without their consent and giving them a new meaning or commercializing them without benefit to the original communities. In addition, a type of folklore was developed that is involved in the construction, reproduction and dissemination of cultural stereotypes, which are far removed from the complexity and diversity of these cultures, and which instead reinforces old prejudices and discrimination.

In specific cases of Andean communities in Peru (such as the Cusco region) or Kichwa communities in northern Ecuador (Cotopaxi moorlands or the Otavalo region), there are clear experiences of the commercialization of indigenous culture in the context of tourism activities. Although tourism markets provide income for indigenous communities and apparently promote the preservation of their culture and heritage, at the same time they generate perverse effects such as excessive commercialization and cultural appropriation, which impacts the cultural integrity and economic exploitation of these communities.

For example, in the Cusco region, one of the central hubs that concentrates tourism flows in Peru, there are communities such as Chinchero, renowned for its traditional textiles and weaving techniques, in which tourism has not necessarily had a positive impact, and on the contrary, they face numerous problems that include the systematic violation of economic, social and cultural rights. In this specific case, tourism has led to a decrease in the demand for the community's traditional textile products, as visitors prefer to buy industrially manufactured products instead of artisanal products handmade by local families (Chocobar, 2015).

In the same area, the community of Huayllafara, located in the Urubamba River valley near Machu Picchu, denounced that local authorities had granted construction permits to tourism companies for hotels and restaurants on communal lands without being consulted. This situation led the community to fear the loss of their cultural heritage and the environmental degradation of the area. In the community of Llactapata, in Santa Teresa, the same thing happened. In 2016, they warned about the construction of a tourist train line that would pass through their territory, without having been previously consulted or informed (Stewart, 2003).

There is also another case in this region, in the community of Choquechurco, which had wide media coverage almost a decade ago (2013): there was an intention to build a cable car for tourists in Machu Picchu Pueblo (better known as "Aguas Calientes") with no participation or prior consultation with the indigenous populations living in the area, and with widespread misinformation and uncertainty about the potential impacts or effects on the archaeological and cultural heritage of that area (Stewart, 2003; Chocobar, 2015).

In the central highlands of Ecuador, there are Kichwa communities, such as Tigua or Guangaje, living in the high mountains, in the moors of Zumbahua in the province of Cotopaxi, who in the 1970s and 1980s developed an unprecedented experience for that time: they created small family businesses to generate income from the production and sale of handicrafts and other local products, for which they had the technical and financial support of a company led by Olga Fisch, a Swiss entrepreneur.

The handicrafts included textiles based on innovation and the creation of modern and attractive designs for the tourist market, as well as wool hats, ceramics, and jewelry. Although, in principle, the activities and projects promoted by Fisch's company can be described as positive, they also generated a high level of dependence and, ultimately, exploitation of local artisans. Their economic benefits were insignificant compared to the advantages that were concentrated in this intermediary, which monopolized for a long time the commercialization of handicrafts.

Amaru Community. Photo: Red de Turismo Comunitario Rural - Cusco

According to Laura Soto Gutiérrez (2017), this process contributed to the fragmentation of the communities by causing internal differentiation among the farmers and an empowerment of one or two families of painters who monopolized the local economic benefits.

"The Toaquiza, after receiving the role of creators of a product typology that was beginning to be in great demand in Ecuador, felt that in their hands also fell the decision of whether or not to share this resource. That is, they had to choose between spreading this activity to the rest of the population of Tigua or, on the contrary and to the extent possible, hoarding it for their family" (Soto Gutiérrez, 2017, pp. 149-150).

In other words, productive specialization generated an economic dependence of the communities on commercial intermediaries, limiting their ability to control the prices and conditions of sale of their products. In addition, it produced a standardization of designs and production techniques, which has led to the loss of creativity and innovation in handicraft production.

Another major problem that conventional tourism operations bring to indigenous communities concerns the economic distribution of benefits. In several emblematic areas, such as Cusco, the Sierra Nevada de Santa Martha (Colombia), Lake Titicaca on the border between Peru and Bolivia or tourist attractions in indigenous territories in the Amazon, the major beneficiaries are often tourism companies and large corporations that control most of the operations.

This is the case of some communities of the A'i Cofán, who partly inhabit the Cuyabeno Fauna Production Reserve in the Northern Amazon of Ecuador, and who have experienced for some decades the relationship with the company Metropolitan Touring, one of the largest tour operators in the country. According to Veronica Dadivov (2017), the company has operated recurrently generating tensions and social conflicts with those communities throughout its history in that region. Its best-known strategy is that of "divide and rule" to gain the support of some members of the communities, while others have been marginalized from the benefits of tourism. But also, the dominant tourism operations have led to a stereotypical and exotic dissemination of the A'i Cofán, which has negatively impacted their cultural integrity, and has often omitted the serious problems linked to the dispossession of their territories by settlers and other land invaders and oil activities.

Although tourism activities, which take place in indigenous territories in Andean or Amazonian countries and are controlled by large corporations and operating companies, generate foreign exchange income at the macroeconomic level and stimulate the activities of certain groups linked to the sector (such as air or land transportation, restaurants and hotels), the benefits are less at the level of the indigenous communities. In general, their participation in the economic benefits is very marginal, and at a high social, cultural and environmental cost.

In short, globalization has made possible an apparent integration and rapprochement with peripheral regions. However, this is relative because, at the same time, it has intensified the pressure and struggle for control of the coveted natural and cultural resources that indigenous territories harbor. National and transnational companies, as well as governments and multilateral banks, have not ceased to exert strong pressure in favor of substantial investments to exploit the resources owned or possessed by indigenous communities. These communities face the market with severe restrictions as they are excluded from institutions and discriminated against in terms of access to productive resources, public services and markets. This situation highlights the paradox of poverty that affects many communities: while they are potentially rich in tourist attractions, they have not been allowed to boost their own economies, retain profits and strengthen their capacity for territorial self-management and self-determination.

Community Tourism, Indigenous Tourism and Indigenous Territorial Self-Management Processes

In the context of the emergence of indigenous movements in the region and the recognition of some of their collective rights, some organizations and communities began to venture into tourism, under the so-called indigenous tourism. It promotes interaction, knowledge and appreciation of the nature and culture of their hosts, with a commitment to respect and participate in the conservation of their resources and their biological and cultural diversity (Del Campo Tejedor, 2009).

Such tourism is built around three central pillars: on the one hand, the socio-cultural component; secondly, the component of defense and community territorial self-management; and thirdly, the reactivation and improvement of the local and community economy.

The first pillar understands that indigenous tourism has been defined as that tourism activity approached and managed by indigenous peoples, their communities and/or families, which takes place within their lands and territories, in a rural or natural space, historically occupied by these same peoples, combining their ancestral and contemporary customs and traditions and thus fostering a process of cultural exchange with the visitor or tourist (Del Campo Tejedor, 2009; Maldonado, 2006).

Additionally, this type of tourism should deepen relations between indigenous and non-indigenous people and facilitate the understanding of societies of the problems and difficulties of the original inhabitants of a place. This could provide opportunities from an economic point of view and, at the same time, an opportunity to vindicate their rights, which are recognized by most countries but are seldom respected.
In this sense, indigenous tourism would be better understood from the social economy and popular economies than from the traditional tourism sector since its defining element is its community organization.

In this context, indigenous tourism would not be feasible without the existence of minimum conditions that make it possible, both on the side of the state and on the side of the indigenous peoples' organizations. In the first case, the development of public policies that support specific responses to the demands for recognition of the collective rights of indigenous peoples is fundamental, which has included a general modification of the normative frameworks and the ratification of international agreements. And in the second case, the organizational process experienced by indigenous peoples has been important, involving the construction of agendas around community development, territorial management and the practical exercise of economic, social and cultural rights.

In the case of public policies and regulations, the legal-political reforms involving the Constitutions themselves (Bolivia, Colombia, Ecuador, Peru) should be highlighted, these basically recognize the collective rights of indigenous peoples, including the right to prior consultation, the right to communal or collective ownership of lands and territories, the right to cultural and linguistic identity and the right to participation in decision-making that affects them.

Similarly, each of these States has ratified ILO Convention 169, which establishes standards to protect and respect the rights of indigenous and tribal peoples. The Convention requires free, prior and informed consultation before any activity that may affect indigenous territories and their resources (Pereiro, 2013).

Based on these central elements of the legal framework, legal bodies have been generated in each country, such as the Tourism Law in Peru, which establishes that tourism resources must be used in a sustainable manner and respecting the rights of local communities, inclu-

ding indigenous communities. Ecuador's Organic Law on Tourism establishes the need to respect the collective rights of indigenous nationalities and, more specifically, the Community Tourism Regulation establishes the norms and principles for the development of tourism in indigenous and Afro-Ecuadorian communities, with the aim of promoting sustainable development and the conservation of the culture and heritage of these communities.

This is relevant considering that the normative frameworks in force until a few years ago only regulated and privileged tourism activities developed by conventional actors, such as medium and large operating companies, completely excluding the recognition of indigenous community initiatives and activities as valid and legally authorized.

In this new context, other normative elements in force emphasize the state's responsibility to guarantee the collective rights of indigenous peoples. For example, in Bolivia, the Law on the Rights of Native Indigenous Peasant Nations and Peoples recognizes and protects a broad set of collective rights. At the same time, laws relating to Cultural Heritage (present in Ecuador, Peru, Colombia and Bolivia) establish the protection and conservation of cultural and material heritage, including archaeological sites and sacred places. Specifically, there are also advances in terms of free, prior consultation and informed consent, although the institutional framework in charge of these processes still shows strong inconsistencies, weak or no autonomy and little capacity to guarantee this right, which leads to disagreements and conflicts with the State (García-Palacios, 2018; Solís, 2014).

In sum, there are normative-legal frameworks, such as the institutions responsible for their compliance or control -to which other components of the system should be added-, which guarantee in synthesis the following rights related to recurrent problems:

a) Right to territory: tourism activities can be a factor of deterritorialization and affect the ancestral territories of indigenous peoples, which can result in the loss of their lands, resources and traditional ways of life.

b) Right to prior consultation: the constitutional framework, and a good part of the legal framework, recognizes the right of indigenous peoples and communities to be consulted and to give their prior and informed consent before any activity or project that may affect their territories and resources, including tourism operations and projects.

A´i Cofa Community. Photo: Municipio Nueva Loja, Sucumbios

c)   Right to culture: all tourism activities, insofar as they involve temporary flows of external visitors, frequently generate negative impacts on the culture of indigenous communities, including the loss of their traditional practices and knowledge and the alteration of their rituals and sacred ceremonies.

d)   Right to self-determination: as noted in the examples cited above, tourism activities can significantly affect or restrict the ability of indigenous peoples and communities to make decisions about their own territories and resources, as well as their autonomy and self-determination.

e)   Right to equality and non-discrimination: within the context of the tourism sector, indigenous peoples and communities may be discriminated against in terms of access to the economic benefits generated, which may aggravate conditions of poverty and social exclusion.

f)   Right to participation: indigenous communities have the right to actively participate in the management and control of tourism activities developed in their territories, and to receive clear and transparent information on the impacts and benefits of tourism (García-Palacios, 2018).

In this context, indigenous communities have been involved in indigenous and community-based tourism for at least three decades. For example, in Bolivia, the Quechua and Aymara communities living around Lake Titicaca have managed to generate income through the production and sale of handicrafts, food and lodging, and other related services. These programs have also forced the communities to implement various types of infrastructure (trails, roads, bridges, navigation ports, campsites, etc.), which has also generated employment opportunities for community members, including those without formal education.

Positively, such community-based tourism programs have helped to value and preserve the culture and traditions of local communities.

However, as can be seen in similar experiences in Ecuador or Peru, in Lake Titicaca, tourism has generated difficulties and negative impacts. On Taquile Island, there has been an increase in tourism activities in recent decades, which has led to the construction of infrastructure such as restaurants, lodging and souvenir stores. However, this has led to a decrease in fishing and agriculture, as many residents have turned to tourism activities to earn more money. For its part, the community of Llachón has seen an increase in the flow of tourists but has not benefited from the economic income. This income has been absorbed by intermediaries and tourism companies, instead of going directly to the community. In addition, the construction of tourist lodges has caused negative environmental impacts that have had a direct impact on the contamination of the lake (Pereiro, 2013).

A similar situation can be seen in the case of the Tayrona communities of the Sierra Nevada de Santa Martha in Colombia, whose ancestral territory includes great biodiversity and different ecological levels. In this case, community tourism programs have established areas for flora and fauna observation, trails, visits to waterfalls and natural pools that are offered in a regulated manner to tourists for observation, hiking, including moments of interaction with local communities through cultural activities such as dance and music (Escobar, 2010; Barón, 2014).

Although in their periodic assessment of these programs, the organizations recognize aspects of strengthening and improvement of family economies, at the same time they highlight the existence of persistent problems and challenges.

Among the first problems are the exploitation and overexploitation of the region's biodiversity resources, and the economic advantage gained by intermediary agencies and exogenous tourism operators, to the detriment of

local communities, as well as the risks of commodification and commodification of cultural manifestations. Several of these elements can be found in similar cases in Peru, Bolivia and Ecuador (Baron, 2014).

A second level of problems is the lack of training and resources for indigenous communities to adequately manage tourism and ensure its long-term sustainability.

These environments of restrictions and difficulties marked by the absence or weakness of policies to support the initiatives of indigenous communities and peoples, led to the establishment of networks and partnerships between companies and communities involved in indigenous community tourism. It is enough to look at a couple of examples in this regard.

The Rural Community Tourism Network of Cusco, whose mission focuses on promoting rural community-based tourism in the region by involving local communities in the planning and operation of tourism activities, has allowed them to strengthen sensitive topics, such as the conservation of their culture and heritage (tangible and intangible). One of the members of this network is the Association of Artisans of the Sacred Valley, which offers tourists the opportunity to learn about local culture and crafts, while benefiting the local communities economically. The Amaru Community, another member of the network, offers guided tours and rural tourism activities to people interested in learning about the daily life of local communities and their traditional agricultural practices.

The Network as a whole has been able to systematize its experiences and capitalize on lessons learned, including an ongoing reading of the limits of the community-based tourism model in the region. This issue involves the lack of state support which, in turn, translates into limited infrastructure and the knowledge necessary to develop and operate tourism activities effectively. And also, the unequal competition with large tourism companies (tra-

ditionally favored by state policy and public support), which has hindered the participation of indigenous communities in the market.

Another relevant case is that of the Napo Community Tourism Network (RICANCIE), in Ecuador's central Amazon, which brings together 22 Kichwa communities. Since its origins in the early 1990s, RICANCIE has sought to strengthen its members' capacity for planning, decision-making and tourism operations, while contributing to the conservation of cultural and natural heritage. According to Tarquino Tapuy, one of the founding leaders of RICANCIE, the experience has shown that community-based tourism can contribute to the goals of preserving culture and defending the territory, while at the same time promoting responsible tourism practices and educating visitors about the reality of the Kichwa families in the area and the importance of conserving these territories, some of which are within protected areas such as the Sumaco-Napo Galeras National Park (Roux, 2013; Tapuy & Andi, 1995).

By way of conclusions

After almost three decades of tourism experiences in indigenous territories, it is possible to highlight the existence of more than 40 entities representing this sector, in its different typologies, distributed in most Latin American countries: networks, associations or federations. Several of these experiences show some achievements, especially in the economic field. At the same time, other local indigenous organizations are still struggling to position themselves in an adverse environment lacking support and sensitivity from most governments in the region, even though their legal frameworks and ratified constitutions and international conventions state or emphasize the responsibility assigned to guarantee the rights of their native peoples.

The problem of tourism in indigenous territories and peoples is therefore a double facet of threats and opportunities, which is essential

to understand in the search for alternatives so as not to overlook the complexity of the issue. One of the main questions raised in this field is the real scope and effectiveness of the international instruments on the rights of indigenous peoples and of the legal frameworks in force in most countries of the region. Whether it is ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples or the Political Constitutions of each country and the set of tourism laws and other related laws, they are frequently ignored, violated or arbitrarily interpreted, which results in their permanent non-compliance, ergo in the violation of the fundamental rights of indigenous peoples.

Such ambiguous or failed state practice has affected the legitimacy of the public state, opening the way for the intervention of other external agents. These agents do not necessarily mean the strengthening of local capacities or self-determination processes, but rather imply different levels of clientelism and dependence, although it is understandable why some community organizations prefer to work directly with different NGOs whose agendas are not necessarily compatible with the ultimate goals of indigenous peoples.

Finally, it is important to emphasize that the problem of tourism in indigenous territories shows that it is not enough for States to recognize the existence of indigenous peoples and communities, their social, political and economic organization, their cultures, uses and customs, languages and religions, their habitat or their original rights over the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their ways of life. More than new regulations, what must be achieved is compliance by the States with existing regulations, which must be translated and materialized in policies, plans, programs and budgets, but also in enforcement on the part of indigenous peoples and their organizations. According to Noboa Viñán (2011), one of the main limitations of community-based tourism is the lack of resources and support from governments and other relevant actors. An integral perspective, with a focus on sustainability, interculturalism and rights, would seem to mark a path to continue building inclusive States, far from the discrimination and exclusion that has affected their ancestral peoples.

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Mexico: subjects or objects of tourism?

Cecilio Solís Librado and Adriana Casillas Blancas

Rivera, A. (2021). Indigenous businessman. CIELO Archive.
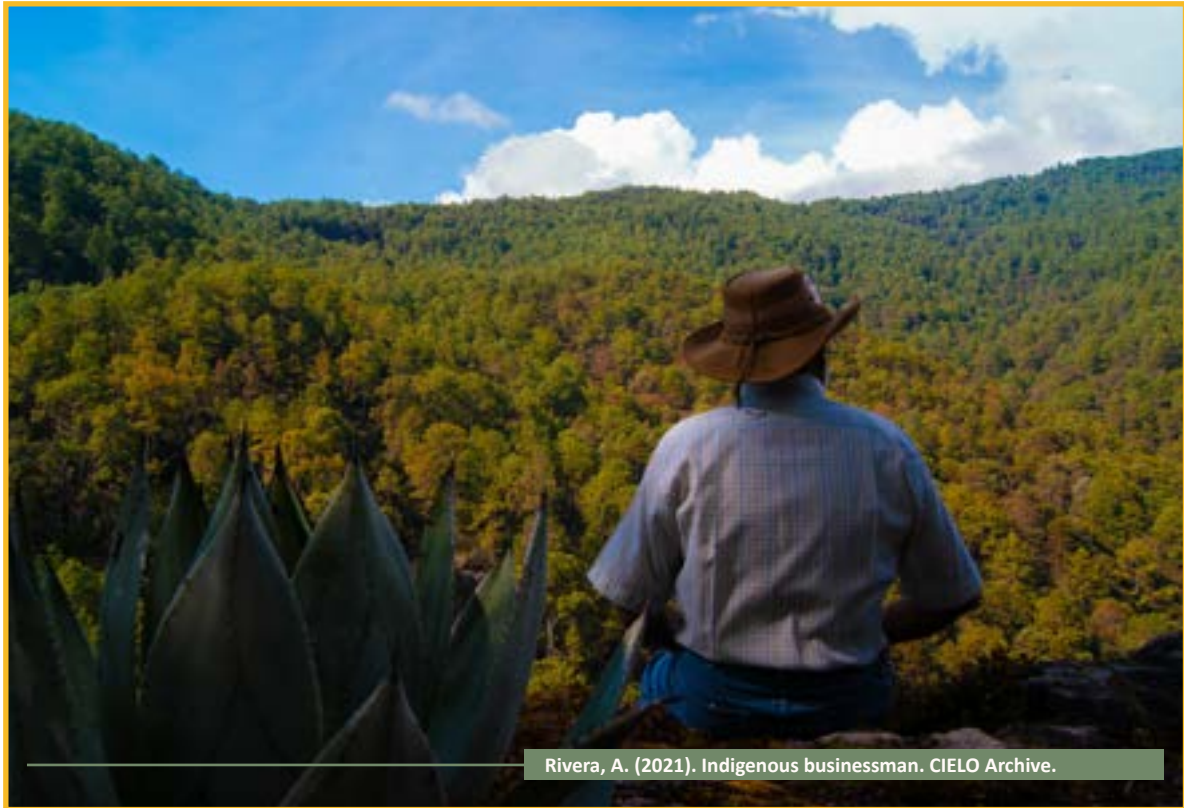
Together with its associates, the Federación Indígena Empresarial y Comunidades Locales de México [Indigenous Business Federation and Local Communities of Mexico, A.C. / CIELO] defines Indigenous tourism as an activity designed, planned, managed and implemented by the actors themselves, the Indigenous Peoples, and in which culture, art, tradition, gastronomy, languages, biodiversity, our holistic cosmogony, land and territory are expressed and shared. It represents an alternative for Indigenous governance, development and Good Living.

The biodiversity present on our territories therefore enables us, the Indigenous Peoples, to be the bearers of age-old knowledge on the resources, from plants, trees, seeds, roots and leaves to animal species, water, soil, climate and everything that makes up our ecosystems generally.

According to the National Commission for Natural Protected Areas (CONANP), "Approximately 70% of the Indigenous territories are located in areas important for conservation; 26.3% of these are Natural Protected Areas, and they are home to 44 Indigenous Peoples". Given our relationship and harmony with the environment, this means that Indigenous Peoples have been and are considered the main guarantors of conservation, and this forms our source of life and sacred conception.

Official data confirms Mexico's place as a megadiverse and multicultural country, with 68 Indigenous Peoples, more than 360 linguistic variants and over 7 million people speaking one of these languages.

Tourism is an activity that integrates the economy by drawing on other products and services, such as air or land transport, travel agencies, tour guides, tours, artisans, local stores, gastronomy, and so on. It forms a reference point for local, regional and national economic development and growth, thus adding to the creation and strengthening of new local businesses.

All of this is what forms the rationale for, gives face, heart and life to, Indigenous tourism. Alongside this, it stimulates visitors' senses, enabling them to discover, imagine, live, taste, rest, learn, but, above all, contribute to the interaction of local Indigenous businesses as well as to their empowerment and strengthening, to a diversification of the economy, to the preservation of natural and cultural heritage, to maintaining the language, gastronomy, and knowledge of traditional medicine, thus empowering Indigenous people to continue with their life plans and governance, with a view to the future.

Tourism is a social as well as an economic activity, and how it is developed in our territories must therefore take account of our rights, starting with the right to development, to land, territory and its resources, to full and effective participation, governance, and Good Living, among other things.

If we take the above definition as our starting point then it become clear that the activity must be carried out from start to finish by the actors themselves, the Indigenous Peoples, venturing into the world of tourism, appropriating tools that were previously denied us, developing and strengthening capacities, knowledge and skills for the better performance of our businesses (business ecosystem, administration, accounting, finance, marke-

ting, sales, social networks, etc.), skills that we have been acquiring over time and through participation in courses, workshops, talks, and exchanges of experience. We have also developed our own methodologies, which have served as a driver by which to empower, lead and drive forward our own companies.

Indigenous territories besieged by foreign companies

Over time, and given the breathtaking growth in international trade, our territories have been besieged and coveted for the great wealth they possess. Research, the extraction of flora and fauna, the exploitation of natural resources, large construction and mega-projects are just some of the main reasons why our peoples have often been confronted and even displaced. All of this despite the rights we should enjoy, as recognized in national and international legal instruments such as the Political Constitution of the United Mexican States, the United Nations Declaration on the Rights of Indigenous Peoples, Convention 169 of the International Labour Organization, the American Declaration on the Rights of Indigenous Peoples, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and so on.

When tourism companies invest in Indigenous territories they are seeking only to benefit national and/or multinational private companies or corporations, without giving greater importance to the devastation they leave in their wake, either in material or immaterial terms, including violations of rights, displacement, conflicts, loss of biodiversity, violation of Indigenous and human rights, internal struggles and divisions and even, on multiple occasions, putting human integrity at risk. All of this without taking into account the fact that the eviction and displacement of Indigenous Peoples not only implies moving from one place to another but also a loss of the culture, environmental knowledge, social fabric, customs, arts

and traditions of an entire people.

Tourism companies are no exception within this siege by foreign companies since they are most often alien to our villages, which come under attack from "small" projects through to large consortiums.

The most common form of tourism is "traditional tourism", which takes place on a massive scale, without planning or evaluation of the environmental, social or cultural impacts, without defining the tourist carrying capacity, and far less with any community development objectives. As Indigenous Peoples we continue to raise our voices to the problems in order to assert our rights. These problems include: the purchase and privatization of land, the displacement of Indigenous communities, the export of our customs and traditions, the destruction of the environment, the influx of harmful toxic substances, the invasion of organized crime, the disruption of the concept of local development, to name just a few.

And what happens if the community itself works for the company? From the outside, various benefits can be observed such as professional training and education; however, the problems they cause are far greater, for example, lower wages for local workers versus external workers, deculturalization of the destination, extreme commercialization of local traditions, incivility, gentrification, etc. This situation turns us, the Indigenous Peoples, into objects, because we dress, dance, sing, and generally act and are seen and viewed only as merchandise for tourist consumption.

Holmen, E. (2021). Cocinera tradicional. [Fotografía]. Archivo CIELO.

Furthermore, sometimes the attractions and the natural resources themselves become private property, and we, the Indigenous Peoples, are forced to pay to access our own territory. We are also the ones who are deprived of dressing and walking according to our own culture because rules and norms are now imposed from the outside; moreover, our vulnerability becomes all the greater by making ourselves available to foreign bosses outside our communities. The inequalities can clearly be seen in the statistics. According to the International Labour Organization (ILO), 58% of those working in rural areas earn 33 pesos for every 100 pesos earned by a non-Indigenous person. The wage gap is greater if they are an Indigenous woman because then they only earn 26 pesos for every 100.

The struggle continues. The approach to and implementation of Indigenous tourism, managed and executed from our own visions and philosophy, exercising the right to development and governance, in which our structures, institutions, decision-making, and also our cosmovision and cosmogony in all its wide diversity, are respected is still something we are seeking and which we, from our territories, are implementing in practical terms.

Unajil Ek Balam: an example of Indigenous tourism and struggle in Yucatán

The Maya world is well-known for its management and protection of the biodiversity of the Indigenous territories but its people have also faced a constant struggle to demand their rights from the State, and even respect from Mexican and foreign tourism companies.

Unajil Ek Balam is an example of this ongoing struggle because, in addition to defending and demanding rights, it has focused on community development. Unajil Ek Balam, which roughly translates as "the Jaguar Star", is an Indigenous tourism company located in the community of Ek Balam, in the municipality of

Temozón, Yucatán, Mexico.

Temozón is bordered to the north by Calotmul-Tizimín, to the south by Valladolid, to the east by Chemax and to the west by Espita-Uayma. Its climate is warm throughout the year, with temperatures varying from 18°C to 36°C, and it is located at an altitude of 26 metres above sea level.

Its climate and geography offer the perfect setting in which to implement community-based tourism enterprises. In the case of Ek Balam, this has enabled the people to design and provide a series of services within their tourist centre, including hiking, bird watching, cultural tours, bike rides, visits to and swimming in the cenotes, tours of the milpa, tours of the community, visits to the "archaeological zone", and a hammock weaving workshop where they gain not only an economic benefit for the community but have also discovered a greater appreciation of their own culture, language, art, traditions, and cosmogony, being led to increasingly watch over their territory and the enforcement of their rights as Indigenous Maya.

Unajil Ek Balam is a cooperative and the benefits can be seen throughout the community, with everyone participating in the implementation of activities. Fifteen direct permanent jobs have been created and there are linkages with a wide number of other community and family businesses, such as transport, community or family stores, vegetable and backyard poultry producers, traditional milpa or traditional milperos, cultural groups, bilingual or trilingual tour guides, youth groups dedicated to dance, etc. Unlike private initiatives, in Ek Balam those involved do not "play the part" of Mayan Indians but instead assume their roles as Mayan entrepreneurs, gaining increasing empowerment and appreciation of their culture, both inside and outside the community. This is just one of the many differences between a company that enters the community from outside and one that is born from within that community.

With the diversity of activities and services it offers, this has enabled women and young people to develop skills, knowledge and competencies within their own community without having to migrate to the city to try and fulfil alien dreams. Governance is exercised within the Ek Balam community because it is the community itself that collectively seeks the benefits and sets the rules, procedures and decision-making. By developing Indigenous tourism, they have been able to continue to be trained locally, avoiding a loss of their culture, traditions and language.

This gives an indication of the cultural preservation and importance of generating local businesses. 100% of the benefits are distributed among the Indigenous entrepreneurs themselves, and we are therefore the ones who design, plan, manage and execute our tourism plans and programmes, becoming subjects within tourism and not objects of private initiatives.

Ek Balam's Indigenous tourism company was founded more than 15 years ago. The inhabitants of the community organized and then the General Assembly, the highest decision-making body, took the decision to venture into tourism, without any example to follow and with no tools other than the enthusiasm that arose from a concern to protect their territory from the onslaught that was being suffered from private tourism companies. They began slowly and, over the years, they realized that by doing so they were enforcing their internal customary law. They also discovered that they were exercising rights won by the Indigenous movement at national and international level, such as the right to development, self-determination, governance, full and effective participation, benefit-sharing but, above all, the right to Good Living and to build their own life plans.

Of the 99.08% Indigenous inhabitants in the community of Ek Balam, 76.23% speak the Indigenous Mayan language (Pueblos America, 2020). Continuing to support the creation of Indigenous businesses will mitigate migration and thus contribute to the social and cultural fabric, preserving and nurturing governance as a path for the development and Good Living of our peoples.

Holmen, E. (2021). Cabañas. [Fotografía]. Archivo CIELO

Conclusions

Indigenous tourism has gradually become an alternative form of development as it favours local production chains, increases economic income within the communities and generates direct and indirect employment in industries that complement these activities.

Indigenous tourism is an activity that enables local growth, giving value to and respecting the Indigenous Peoples' holistic cosmovision, and preserving our natural spaces and resources, along with our forms of coexistence and the presentation of our culture.

Although tourism contributes to the country's gross domestic product, with investment and laws in their favour, it is the foreign companies that not only take advantage of our territories' resources but also repeatedly violate our rights to full and effective participation, free, prior, informed and culturally-appropriate consent, and benefit-sharing, among other things. Moreover, they have a cultural and environmental impact. On more than one occasion they have divided the community in which they were operating and, in the most serious cases, they have displaced local populations from what was once their territory and their lands, with the approval of the authorities at different levels, depending on the size of the project to be implemented.

It should be clear that Indigenous Peoples are not mere folklore for the tourists, we are not objects of the tourism industry, we are human beings who contribute to the preservation of cultures, arts, culinary traditions, biodiversity, and natural resources. In the search to assert our right to development and alternative income, we make use of and exploit our territories and lands, without however being predators and without seeing tourism as a purely economic activity. Our vision and respect go beyond economic benefit because, in our activity, as entrepreneurs dedicated to Indigenous tourism, we not only have an eye to our own financial reward but we also give back a little of the wealth that Mother Earth has provided us.

Tourism practised in isolation has an impact on our communities. It must therefore be us, we must be the ones to propose and implement our ways of doing tourism, as subjects and not objects, as Indigenous entrepreneurs rather than spectators, ensuring the enforcement of our rights and fighting on a daily basis to generate jobs, gain greater appreciation of our culture, preserve our language, gastronomy, the knowledge that we have inherited and which we will pass on to future generations. The struggle continues to rescue our lands and territories in the face of the overwhelming presence of companies with powerful financial backing.

We do not have all the goals and objectives set in stone from the start but rather we are continuing to build a path for future generations whereby Indigenous tourism will be owned by the guarantors of wealth, the Indigenous Peoples and communities themselves.

Finally, we need to say that, in our conception of Indigenous tourism, it is we ourselves who decide what we do, what we do not do and how far we show the intimacy of our culture, art, knowledge... and our lands and territories.

For unity and Good Living!

Cecilio Solís Librado and Adriana Casillas Blancas of the Federación Indígena Empresarial y Comunidades Locales de México

By way of afterword so as not to overlook some facts about tourism

Tourism encompasses a diverse set of activities that are fundamental for the development strategies and economic growth of various countries. They cover a wide range of products and services whereby production and consumption take place locally, with regional, state, national and even international suppliers.

One of the countries that gains the greatest economic benefit from tourism is Mexico, rewarding its visitors with breathtaking landscapes and natural and cultural beauty, delighting palates with its varied gastronomy (in 2010 this was declared Intangible Cultural Heritage of Humanity by the United Nations Educational, Scientific and Cultural Organization, UNESCO), in addition to offering varied scenery from north to south, east to west, ranging from forests, jungles, mountains and deserts to lagoons, seas, rivers, cenotes, pre-Hispanic, colonial and modern cities, and so much more right across the 32 states of the republic.

The warmth of the people, their attentiveness, the extraordinary climate and geographic location are just some of the reasons why nationals and foreigners alike continue to choose Mexico as their preferred tourist destination.

In recent years, alternative forms of tourism have taken on greater importance: the heightened environmental concern among younger generations together with social, cultural and economic concerns have contributed to a resurgence in alternative types of tourism, including Indigenous tourism.

Indigenous tourism denotes a close relationship between cultural exchange, respect for Mother Earth, the use and exploitation of natural resources and the rights of Indigenous Peoples.

This type of tourism places us, the hosts, the Indigenous Peoples, as subjects at the heart of our own development, with Indigenous entrepreneurs running accommodation, food and beverage companies, travel agencies, acting as guides... born from the local level. And yet the lands and territories continue to be plundered and occupied by foreign corporations which, having the facility to invest, are able to take advantage of the territories, leading us, the native peoples, to the extreme commodification of our culture.

Tourism in Mexico

The diversity of experiences that Mexico offers its visitors has been one of the main reasons why it is a preferred destination for domestic and international tourists, the latter forming the largest percentage of visitors.

According to the World Tourism Organization (UNWTO) Barometer, in 2018 and 2019 Mexico ranked seventh globally in terms of international tourist arrivals; in 2020 it ranked third and, finally, it moved up a place to second in 2021.

According to the Ministry of Tourism's statistics on those entering by air from abroad, the top ten countries providing the greatest number of visitors are: the United States, Canada, Colombia, France, Argentina, United Kingdom, Peru, Spain, Germany and Chile.

According to a study conducted by Expedia.mx in 2017, of 1,000 travellers surveyed from different parts of the world, 53% had not visited Mexico, and 42% had visited at least once. Of that 42%, 94.5% said they would return and 26.7% said that Mexico was their favourite place.

The reasons given for their visit were: in first place, with 84.1%, for the food; 83.2% for the culture and history; 68.2% to visit family and friends; 67.2% for celebrations; 67.4% for extreme activities; 63.3% for music festivals; and 34% for sporting events.

All of the above demonstrates that, with its great diversity and wealth of tourist offerings, Mexico will continue to remain among the best places for inbound tourism in world rankings.

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Effects of tourism on Rapa Nui

Benjamin Ilabaca D.

Photo: Alejandro Parellada

Rapa Nui are an indigenous people of Polynesian origin, inhabiting a small island in the middle of the Pacific Ocean. The island of Rapa Nui, known as Easter Island, represents the right vertex of the so-called Polynesian triangle, together with New Zealand (Aotearoa) at its left vertex and Hawaii, at its upper vertex. It is in the southeastern Pacific Ocean about 3,800 kilometers away from the South American continent, specifically from the coasts of Chile.

Currently, Rapa Nui is a territory that is administratively annexed to the State of Chile by virtue of the Agreement of Wills of 1888, signed by both nations. The island has a population of 7,750 inhabitants, of which about 50% correspond to members of its native people and the remaining percentage to foreign residents. Rapa Nui is considered, in turn, the most isolated inhabited place on the planet.

Over the centuries, in this context of isolation, the ancient Rapa Nui developed a unique set of cultural and social practices, including a system of social hierarchy, an economy based on agriculture and fishing, and a religion that venerates ancestors and nature spirits. This development, unique in this region, had as a great characteristic the creation of large megalithic sculptures called Moai, which are now known worldwide. Also, the Rapa Nui are the only Polynesian people to have developed writing, called Rongo-rongo, which shows the existence of a true civilization in the middle of the Pacific.

In 1722, the island was discovered by Europeans on Easter Sunday, which explains its name. Subsequently, it was used as a slave trading center and the Rapa Nui people suffered colonial rule. By the first half of the 19th century, only 114 inhabitants remained, surviving extinction.

In 1935, Rapa Nui was declared a National Park[1] and National Monument[2] during the same year. Then, in 1995, it was declared a World Heritage Site by UNESCO. UNESCO recognized that Easter Island was home to a Polynesian society that developed a unique and distinctive culture, with its own religion, art, architecture and language. Its monumental Moai statues are an impressive testimony to the skill and creativity of the Rapa Nui people. In addition, the island's archaeological sites, including villages, ceremonial platforms, petroglyphs and caves provide a window into the past of Rapa Nui society and its relationship with its natural environment.

It is also an exceptional example of how an island society can adapt and survive in an isolated environment, and how a culture can evolve and change over time. Moreover, the island's ecosystem is unique, though fragile, and harbors biological and ecological diversity, which was also recognized by UNESCO as being of exceptional value.

The inclusion of Rapa Nui in the World Heritage List is extremely relevant since in the 90s tourism began to increase exponentially. This situation brought with it a great economic-social development and an important increase in immigration, which has generated havoc at the local level in the last decades.

Tourism is a fundamental activity in Rapa Nui, due to its cultural uniqueness and natural beauty it attracts visitors from all over the world who seek to explore its archaeological mysteries, admire its unique natural landscapes, and learn about its culture.

Among the most popular tourist attractions on Easter Island are the Moais, the huge stone statues, which are found at several sites on the island, including the Rapa Nui National Park. Tourists also visit other archaeological sites, such as the Rano Raraku quarries and the ceremonial village of Orongo. In addition, the island has beautiful beaches, such as Anakena and Ovahe, and several impressive natural sites, such as the Rano Kau and Poike volcanoes.

Another relevant milestone occurred in 2017, when the State of Chile, under the second government of Michelle Bachelet, handed over the administration of the Rapa Nui National Park to the Ma'u Henua indigenous community in concession for 50 years. This indigenous community is the largest in Chile and is composed solely of members of the Rapa Nui people. The surface of the island comprises approximately 16,360 hectares, of which 45% corresponds to the National Park, almost half of the island.

In 2018, after decades of struggle by its people, Law No. 21,070 was enacted, which regulates the exercise of the rights to reside, stay and move to and from the Special Territory of Easter Island. This law is of utmost importance for the Rapa Nui people since the overpopulation of the island has increased during the last 20 years, generating significant impacts on the territory.

The so-called Residency Law has been widely criticized by the Rapa Nui people, as it did not meet their expectations and has failed to satisfy their needs due to its lack of restrictiveness.

This law is based on the environmental protection of the territory. On the one hand, it limits the maximum period of visitation and stay on the island to 30 days, and, on the other hand, it establishes a formula for calculating the demographic load of the territory, focusing on three stages of environmental situation: normal, latency and saturation. Currently, Rapa Nui is in a stage of environmental latency, which shows the seriousness of its situation in this matter.

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1   Decreto Supremo Nº 3.662 del Gobierno de Chile.

2   Decreto Supremo Nº 597 del Gobierno de Chile.

Photo: Alejandro Parellada

Indeed, tourism represents the main economic activity of Rapa Nui, being an important source of income for all its inhabitants by providing jobs in the hotel industry, restaurants, stores, handicrafts, among others.

Another positive aspect of tourism in Rapa Nui is that it has allowed the conservation and restoration of some of the most emblematic monuments of the island, such as the Moai. The tourist activity has provided resources to finance the restoration and has generated a worldwide awareness of their historical and cultural importance.

Prior to the COVID-19 pandemic, the flow of tourists was around 120,000 visitors per year, so the floating population doubled the island's population monthly. The main form of visiting the island is by air through the only airline that operates in the place, LATAM Airlines. Also, several cruise ships arrive during their high season.

The peak tourist season occurs in the summer, coinciding with the Tapati Rapa Nui festival, the most important cultural event in Rapa Nui, which is held annually during the first two weeks of February.

Due to the pandemic, Rapa Nui was closed to commercial flights for two and a half years, which caused a major economic disruption that led to unemployment and shortages. At the same time, it made it possible to observe the importance of tourism for economic and social development.

In this order of ideas and understanding that the tourist activity in itself is not entirely negative, we can differentiate it from what we will call "mass tourism", which implies a high rate of visitation to a certain place without a pertinent regulation, nor planning, which can cause serious damages in indigenous territories. In the case of Rapa Nui, it affects the culture, the environment and causes an increase in the erosion of archaeological sites, pollution and prices.

The main negative impacts generated by mass tourism in Rapa Nui can be detailed as follows:

1. Environmental impact. The arrival of large numbers of tourists has had an impact on the island's environment, especially in places with a high concentration of visitors. Massive tourism not only contributes to the erosion of the soil and archaeological sectors or sacred sites, but also causes an increase in water pollution. This situation is of particular concern since there is no sewage system in Rapa Nui and most of the constructions use "cesspools", which causes the contamination of groundwater, the

only source of drinking water on the island.

Also, with this stage of demographic load, the increase of waste is an important problem and keeps Rapa Nui in a condition of environmental crisis. This situation is aggravated by the difficulty of managing waste in a context of total isolation, which has caused a collapse in the only garbage collection center that exists on the island.

The aforementioned has directly resulted in the degradation of natural resources, which are already scarce.

2. Cultural impact. Rapa Nui's culture is one of the island's main tourist attractions. However, mass tourism can negatively affect the local culture if visits are not properly managed and local norms and customs are not respected. Tourist education is a relevant aspect to prevent visits from harming the development and conservation of the culture.

3. Overload of services and resources. Along the same lines already noted, mass tourism can overload the island's services and resources, such as transportation, lodging, restaurants and public services. This can lead to price increases and saturation of tourist sites. An example of this can be the increase in the number of vehicles entering Rapa Nui for rental purposes, among other issues.

Energy and water impacts play an essential role. Currently, access to electricity and drinking water is only available in the Hanga Roa sector, where housing, the civic center and tourist accommodations are concentrated. In addition to the logical depletion of water resources caused by the massive number of visitors to the island, there is also a deficient energy infrastructure, which is generated by oil engines supplied from the mainland and which do not provide enough for the local population, in addition to the pollution caused by the sustained increase in consumption.

Photo: Alejandro Parellada

4. Economic impact. Mass tourism can have a positive impact on the local economy by generating employment and contributing to economic growth. However, it can also lead to overdependence on the sector and a lack of economic diversification.

The deep economic dependence that has been generated around tourism was evidenced during the COVID-19 pandemic, when the island was closed to commercial flights for two and a half years causing a severe economic crisis.

Thus, over-reliance on tourism can make the economy vulnerable to changes in tourism demand. Rising prices and lack of economic diversification may make the island less attractive to tourists seeking an authentic cultural experience.

In summary, tourism in Rapa Nui has both positive and negative aspects. On the one hand, it can generate employment and improve the economic income of the local population, and it can also contribute to the conservation and restoration of the island's historical monuments. However, mass tourism can have negative impacts on the environment, local culture and the economy. Therefore, appropriate measures must be taken to ensure that tourism on Rapa Nui is sustainable and beneficial to both visitors, the local population and the environment.

In this context, to avoid the negative effects of mass tourism, it is important to adopt measures to properly manage the influx of tourists, promote more sustainable tourism that respects the environment and local culture, and diversify the economy to reduce dependence on the tourism sector. In this way, it can be ensured that Rapa Nui will continue to be an attractive and sustainable tourist destination in the long term. This should be ensured through relevant tourism planning and sustainable development programs in the short, medium and long term, through participatory work with the Rapa Nui people and their traditional authorities.

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Bangladesh

Chittagong Hill Tracts - development, tourism and dancing Indigenous girls

Uchacha-A Chak

When I was younger, almost every time I met someone from outside the Chittagong Hill Tracts (CHT) they would make a comment such as: 'Oh… we heard CHT is developing.' What they meant by this was that they had heard that more roads were getting built in the CHT region. As I grew a little older, especially a few years after the CHT Peace Accord was signed in 1997, almost every time I met someone from outside the CHT, they would comment along the lines of: 'Oh…CHT is so developed now compared to before.' Then they would carry on talking about their visits to popular tourist destinations such as Rangamati Jhulanta (=hanging) bridge, Shuvolong waterfalls or Nilgiri or Sazek.

From the perspective of people outside the CHT, the 'development' of CHT was previously commonly associated with road construction but, subsequently, with tourism.

Unfortunately, the new roads were perceived very differently by the Indigenous Peoples. Most of the roads were not made to ease communication for them. Most of them were built to take tourists from outside the region to their desired tourist spots and to extract resources from the hill tracts. It is therefore not surprising that there is not one direct public bus connecting the three hill districts. There are, however, direct long distances buses connecting the hills with many faraway cities and

towns. These roads have not been made to foster interconnectivity among the three hill districts.

Do you know what else is associated with roads in CHT from the perspective of Indigenous Peoples? Rape. Talk to any dedicated Indigenous women's rights activists or advocates who have been working for decades in the CHT and they will give you a clear mapping of instances of 'rape', i.e. "wherever roads are constructed, rape follows".

Tourism is a major conventional growth-based development approach. However, if we want to know what tourism has done to our region, we need to look at the evolution of the word 'development' itself. When the word 'development' emerged as a magical solution to global inequality, the fundamental idea underpinning the concept was that of 'catching up' - 'under-developed' nations catching up with the 'developed' ones and 'the poor' catching up with 'the rich'. And yet, inequality between rich and poor countries has doubled in the last 40 years. The irony is that this historic expansion of inequality has occurred during a period known as the ''age of development''. This crisis can be seen and felt in every sphere of life: environmental, economic, social, political, ethical, cultural, and spiritual. And now we are desperately trying to meet the 'Sustainable Development Goals'. The phrase itself indicates how unsustainable conventional development practices have been and what these conventional development practices have done to the environment and the people living in it.

Indeed, why wouldn't it be the case? After all, 'development is colonialism in disguise'. Conventional development depends upon rapid economic growth and this means exploiting nature, just as colonialism did. It operates on the basis of major dichotomous narratives such as progress versus backwardness, meaning that development is all about bringing 'backward' places into the realms of progress, just as our imperial colonizers told us they were civilizing us, the natives/the primitives.

All the detrimental impacts that came with the process of colonialism are therefore bound to be reproduced by conventional approaches to development. These include the destruction of the environment and ecosystems, mass land grabbing and evictions of Indigenous villages, marginalization of Indigenous communities, toxic masculinity and patriarchy, plus the epistemicide of Indigenous knowledge systems developed over many generations.

Tourism being a flagship of conventional approaches to development, its impacts are no different. The business of tourism also operates and is expanding in our region, CHT, on the basis of these colonial concepts and colonial representations of Indigenous Peoples, their culture and, particularly, the stereotypical and fetishized representations of Indigenous women.

The colonial photographic and textual representation of Indigenous cultures in CHT revolved around two main stereotypes: 'primitiveness' and 'nakedness', especially of Indigenous women (Schendel, Mey & Dewan 2001). These representations were later mediated by nationalism under the so-called post-colonial states of Pakistan and Bangladesh and reproduced in different ways. They are evident in the common representation of Indigenous women in both print and audio-visual media, including the advertisements of the Bangladesh Tourism Board and other growing private tourism companies in CHT. These focus mainly on: 1) Indigenous women and girls in their traditional dress, almost always performing or about to perform a dance; 2) colourful huts surrounded by greenery under the open sky. Both Indigenous women and the landscape are presented as desirable and inviting.

The immaculately groomed Indigenous women in their 'traditional' attire shows little correspondence with the truth. In reality, most Indigenous women's struggle for survival in CHT has kept them so busy that they don't even have time to rest, let alone decorate themselves. Let me give you an example of a village

not so far from Remakri and Tindu, which are popular tourist destinations in Bandarban. The women of this village told us that, over the years, due to the infertility of the lands, the loss of biodiversity, various types of disruption created by the armed groups operating in that area, the villagers' lives had become so difficult that they were having to work harder and harder just to survive, to the extent that women from average families were only able to rest an hour or two after giving birth because resting was nothing but luxury.

The 2nd type of touristic representation – colourful huts surrounded by greenery under the open sky – sometimes accompanied by a phrase such as the 'Switzerland of Bangladesh', gives a false sense of abundance and security when the reality says otherwise. For instance, in Sajek Valley, supposedly the 'Switzerland of Bangladesh', the tourist destination has abundant drinking water, hot water to bathe in winter and all different kinds of food and drink to enjoy in the middle of scenic beauty. Downhill from the valley, however, you find villages full of impoverished children. If you look at their faces, it would be hard to tell when they last had a bath due to the scarcity of water. In 2019, when we were there on a field visit for the World Food Programme, an elderly woman spoke of 'bha….t' (rice) as if it were some kind of food only produced in heaven. She repeated several times how much she loved 'bhat'. Note that rice is the staple crop of the Indigenous Peoples of CHT. The scarcity of food and water in these villages is not of a result of unavailability but rather a result of the structural violence inflicted by the State.

The women in these villages live in constant fear of their menfolk suffering violence at the hands of the military or from the armed wings of Indigenous political groups. When something goes wrong, men and boys will leave the houses and flee to hide-outs, leaving the women to deal with the interrogations, intimidation and harassment. This environment of constant fear and intimidation also disrupts their day-to-day activities of planting, harvesting and even general moving around, leading to hunger and serious physical and mental distress.

So, this 'development' regime, whereby Indigenous Peoples' lives, cultures and land are reduced to beautiful pictures not only conceals this structural violence against Indigenous women but also justifies the conventional tourist developments that result in land grabbing, the destruction of water sources and, eventually, eviction from villages that depend on these water streams, forced prostitution and so on.

As mentioned earlier, unlike the cheery girls and women performers/entertainers portrayed in posters, photographs and audio-visual materials circulated by the tourism industry, Indigenous women's lives in the CHT are burdened by multiple layers. Our struggle begins within our communities, as women dealing with patriarchy. Outside the communities, every step we take, we are the continuous targets of ethnic and sexist prejudice, which is multiplied by the eroticization of Indigenous women and the exoticization of our cultures through the stereotypical representations disseminated in texts and the media in Bangladesh. The representations of Indigenous women, aimed largely at domestic Bengali tourists, add yet more layers to the burden we already carry.

The colonial narrative of Indigenous people and their culture as primitive, and their nakedness, particularly the women's, in comparison to the women of the then British colonial societies, has changed the concept of decency and its association with how we dress and how much we cover ourselves. In the so-called post-colonial state of Bangladesh, the standard of decency is further mediated with nationalism and majoritarianism. In the rhetoric of development, we, the Indigenous communities, become 'backward' people who need to be brought into the mainstream and, in the Bangladeshi constitution, we are dubbed 'minor races'. What's more, in comparison to Bengali women, being relatively naked, Indigenous women are further eroticized and our sexual morals scrutinized. Our 'traditional' clothes have grown longer and heavier since the time of colonial intervention. To avoid the unbearable eroticized gaze of the Bengali population, and Bengali men in particular, we cover ourselves ever more as time passes. And yet the Bengali tourists want to see the 'authentic' and 'naked' Indigenous women. Any opportunity to capture pictures of Indigenous women bathing in the river/streams or elsewhere cannot be missed. A woman might be returning home in wet clothes after bathing, she might be carrying 25-30 litres of water and dishes and the clothes she has washed. And yet the focus of the Bengali tourists' cameras will be on her wet-clothed body. "They think we are animals" – a woman in her 50s living in a nearby village in Sajek Valley told me. She sells fruit and vegetables along the way to the tourist destination of Sazek.

To the Bengali eye, Indigenous women are mere objects of entertainment. Let's look at how a Bengali male mindset works in relation to Indigenous women. In a poetry book published in 2020 at a national bookfair in Bangladesh, written by a Bengali male poet well-known amongst young poets, there is a poem on wishing to go to the hills (CHT) for good. In this 17-line poem, he describes his desire to flee to the hills from his superficial life in the city. He wants to drink alcohol and live in the hills amongst the people, who are as simple as nature, untainted by deceitful city life. He finishes off this poem with a desire to live out his days engaged in sexual intercourse with Indigenous women and girls 'morning, noon and night' in the 'open valley, in the bush and on the peaks of the hills'.

This kind of mindset is reflected in the Bengali tourists' language and attitudes towards Indigenous women. This has a real impact on real people. As already stated, not only are our clothes being adapted due to the constant surveillance of our bodies but our way of life is also changing drastically. A woman in her 30s living in a village near to Tindu and Remakri in the Shangu Reserve forest in Bandarban told me how the women have to be careful of not being seen and pictured while bathing in the river because their male family members despise the way the tourists look at the Indigenous women. Their bodies are under constant surveillance from the tourists and this has the result of subjecting them to surveillance and control by the Indigenous men too. This shows how such representations can shape the dynamics of gender relations in Indigenous communities. The saddest part of all this is that we are expected to remain silent about it.

The tourism industry does this to Indigenous people, especially women and girls. It reinforces and cashes in on the pervasive tropes of colonial literature.

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Indigenous Peoples and the Tourism Industry in Kenya

Daniel M. Kobei

Photo: Ogiek Peoples' Development Programme (OPDP)

Introducción

Kenya is one of the most popular tourist destinations in Africa, known for its diverse wildlife, stunning landscapes, and rich cultural heritage. Tourism has played a crucial role in the Kenyan economy by increasing foreign exchange and per capita gross national product. According to the Tourism Sector Performance Report (2022), tourism contributed 10.39% to GDP and 5.5% to formal employment. During that same year, there was a 70.45% increase in international tourist arrivals and a rise in inbound tourism earnings of 83%.[1]

There are a range of tourism projects in Kenya that involve the government, international and local companies and community-led initiatives. These projects have varying impacts on the environment and the Indigenous communities of the country. They include:

a) **Wildlife tourism projects:** focused on wildlife conservation, these projects offer opportunities for tourists to view wildlife in its natural habitat. Companies involved in wildlife tourism projects include hotels, tour operators and conservation organizations. The Maasai Mara National Reserve is a popular location for wildlife tourism in Kenya (2021).[2]

b) **Cultural tourism projects:** focused on preserving and promoting local cultural traditions and heritage. These involve visiting communities that still maintain their cultural way of life. Companies involved in cultural tourism projects include tour operators, museums and cultural organizations. The Samburu Cultural Tour in Northern Kenya is an example of a cultural tourism project that provides

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1 https://tri.go.ke/wp-content/uploads/2023/02/TOURISM-SECTOR-PERFORMANCE-REPORT_2022.pdf
2 https://www.ecotourismkenya.org/the-masai-mara/

income for the local Samburu community (Tourism Trust Fund, n.d.)[3]

c) **Ecotourism projects:** the International Ecotourism Society defines ecotourism as responsible travel to natural areas that conserves the environment, sustains the well-being of the local people, and involves interpretation and education.[4] The ecotourism sector in Kenya has been on the rise in recent years. It started in 1973 under the term "eco-tours" and gained more traction in the 1980s. Ecotourism destinations are natural places that are undisturbed and uncontaminated by human activities.

Kenya's current tourism policies are aimed at promoting sustainable tourism, enhancing visitor experience, and supporting the growth of the tourism industry. The policies prioritize the development of infrastructure and attractions, as well as the protection of natural and cultural resources. In 2019, the Kenyan government launched the National Tourism Blueprint 2030, which outlines a long-term vision for the development of tourism in the country. The blueprint emphasizes the need for sustainable tourism practices, community involvement, and the development of niche markets.[5]

The tourism industry in Kenya has grown rapidly in recent years, with conservation and wildlife tourism being the primary drivers. This growth has, however, been at the expense of the Indigenous communities living in the areas surrounding the national parks and game reserves. These communities have faced violations of their land rights, forced evictions, and a loss of livelihoods and cultural heritage as a result of the tourism industry. These violations are contrary to both domestic and international law, including the Kenyan Constitution and the UN Declaration on the Rights of Indigenous Peoples.[6] This case study will look at the various violations of the rights of Indigenous Peoples linked to tourism activities and offer recommendations to redress the situation.

Effects of tourism on the rights of Indigenous Peoples in Kenya

The success or failure of tourism is highly influenced by the participation of Indigenous Peoples in the areas of implementation. The impact of tourism on Indigenous Peoples in Kenya has been mixed, bringing economic benefits to some and leading to land grabs, cultural exploitation, and environmental degradation in other areas.

Private actors and NGOs in the tourism sector have also been accused of violations of Indigenous Peoples' rights. The North Rangeland Trust (NRT), for instance, has been accused of forcibly evicting communities from their lands to create conservancies, without obtaining their free, prior, and informed consent (FPIC). The NRT has also been accused of exploiting Indigenous communities by paying them low wages for their labour in the tourism industry.[7]

a) **Land rights**

Tourism in Kenya has had a significant impact on the land rights of Indigenous Peoples, particularly in areas designated as national parks and reserves. The establishment of these protected areas has often resulted in the displacement of local communities from their ancestral lands and their loss of livelihoods and access to traditional resources. According to a

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3   https://www.tourismtrustfund.go.ke/samburu-cultural-tour/

4   https://ecotourism.org/what-is-ecotourism/

5   https://www.tourism.go.ke/wp-content/uploads/2019/07/National-Tourism-Blueprint-2030-Final.pdf

6   https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples

7   "Report Clears Kenyan Conservancy of Community Abuse, but Advocates Cry Foul." Mongabay, 15 June 2022, https://news.mongabay.com/2022/06/report-clears-kenyan-conservancy-of-community-abuse-but-advocates-c

2019 Survival International report, the Maasai people, in particular, have been disproportionately affected by the creation of national parks and reserves, which have resulted in the loss of grazing lands and water sources.[8]

The establishment of the Maasai Mara National Reserve in 1961 has had a negative impact on the Maasai people, who were displaced from their lands and lost access to important grazing areas and water sources.[9] The development of tourism in the area has led to growing conflicts between the Maasai and the conservation authorities. In recent years, the Maasai have faced increased pressure to leave their lands, forced evictions, land grabbing, and loss of livelihoods. The Maasai have also faced restrictions on their traditional practices, such as grazing their livestock and performing cultural ceremonies, which are seen as incompatible with conservation efforts. Tour operators have been accused of engaging in land grabbing and encroaching on Maasai lands without their consent. The Maasai have also reported being excluded from the benefits of tourism, such as employment opportunities and revenue sharing.

The Samburu community in Northern Kenya has experienced displacement and human rights violations due to the expansion of conservancies on their lands and territories. In 2014, the Samburu community was forcibly evicted from their ancestral lands in the name of conservation, with private companies and NGOs operating the conservancies denying them access to water and grazing lands.[10] This situation has resulted in significant challenges for the Samburu community, who depend on these resources for their livelihoods and cultural practices.

Celebrating Indigenous Peoples Day in Kiptunga Forest. 2021. Photo:Ogiek Peoples' Development Program (OPDP)

8   Survival International. (2019). Kenya: Indigenous peoples under attack. Retrieved from https://www.survivalinternational.org/tribes/maasai/keny

9   Found in Narok County, Kenya, the Maasai Mara National Park is one of the most popular tourist destinations, especially during the wildebeest migration, when they cross the Mara River and move to the Serengeti National Park in Tanzania. See https://www.maasaimarakenyapark.com/

10   Due Diligence Report on Oakland Institute Allegations. The Nature Conservancy, 2021, https://www.nature.org/content/dam/tnc/nature/en/documents/Due-Diligence-Report-on-Oakland-Institute-Allegations.pdf

Similarly, the Pokot have been denied access to their traditional grazing lands, which have been turned into conservation areas. Their displacement has led to the criminalization of the Pokot community for accessing their ancestral lands, further exacerbating their situation.

The Endorois community, who are pastoralists living around Lake Bogoria, were evicted from their ancestral land in the 1970s to make way for the creation of a national park. The community was not consulted, compensated, or resettled. In 2003, the community filed a case against the Kenyan government, arguing that their eviction violated their rights to property, culture, and development. In 2010, the African Commission ruled in favour of the Endorois community, stating that the Kenyan government had violated their rights and ordering the government to compensate the community and provide them with alternative land. The Court found that the Endorois had been forcibly displaced from their ancestral lands to make way for the Lake Bogoria National Reserve, with the community being denied access to their traditional grazing lands. Moreover, their cultural heritage had been commodified and turned into a tourist attraction, further compounding their loss of land and resources. The community accused the government of denying them freedom of worship as they were cut off from their sacred grounds, which held a spiritual connection with their ancestors.[11]

Tourism has been a source of human rights violations for the Ogiek, both those living in the Mau Forest Complex and those in the Mt. Elgon region. They have been evicted from their lands and rendered landless, allegedly to conserve water towers, in the case of the Ogiek of Mau Forest, or to pave way for the creation of the Chepkitale National Reserve, in the case of the Ogiek of Mt. Elgon.

In 1938, the Ogiek were forced out of Mt. Elgon's forest areas and confined to Chepkitale moorland, which was deemed useless and designated as untitled "Tribal reserve". In 1968, the Mt. Elgon National Park was created, resulting in the Ogiek being evicted once more. Chepkitale was administered as Trust land by the Mt. Elgon County Council, which unilaterally requested that the government gazette the land in 2000, converting the Ogiek living there into "illegal trespassers". The Ogiek were never involved in these processes. [12]

The Ogiek argue that they hold a legitimate claim to the land and that their way of life is sustainable and in harmony with the environment. And yet the authorities have criminalized the Ogiek's use of the forest for hunting and gathering, claiming it to be destructive to the environment and thus undermining their land rights. In a bid to redress this land injustice, the Ogiek of Mt. Elgon took the County Council government to court in 2000.[13] The Environment and Land Court in Bungoma delivered a judgment on 26th September 2022 in favour of the Ogiek community. The Court stated that the law had been neglected when converting the land, which had been Trust Land held on behalf of the Ogiek community by the County Council of Bungoma, into the Chepkitale Game Reserve. [14] The Ogiek case was decided by the African Court on Human and Peoples' Rights in 2017, which ruled in their favour and ordered a series of repara

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11   Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, 276/2003, African Commission on Human and Peoples' Rights, 4 February 2010, available at: https://www.refworld.org/cases,A-CHPR,4b8275a12.html [accessed 26 April 2023]

12   Forest Peoples Programme. (2010). Conservation in Kenya: Perspectives of indigenous peoples. Retrieved from https://www.forest-peoples.org/sites/default/files/publication/2010/10/kenyaconservationreport.pdf

13   The Ogiek of Mt Elgon sought justice to claim back their ancestral lands, which had been converted into a national reserve. They argued that their land use has been sustainable and they had been living on those lands for generations. The Court ruled in favour of the Ogiek: https://chepkitale.org/peter-kitelo-and-others-v-county-government-of-bungoma-and-another-elc-bungoma-civil-case-no-10-of-2020-formerly-elc-109-of-2008/

14   The full judgement can be accessed here: https://chepkitale.org/wp-content/uploads/2022/09/ELC-10-OF-2020-JUDGMENT.pdf

tions. The decision is in the process of being implemented.[15]

b) Right to property

Evictions due to tourism projects have always been conducted in a forcible manner. Indigenous communities' houses have been burnt, their livestock killed or scattered and their farm produce destroyed. Communities often lose everything and become beggars overnight. In the case of the Ogiek, their homes were torched by the government officers who carried out these evictions. The short notice provided did not give enough time to the community to move their property although, even if a longer period had been offered, there is no amount of time that would be enough for a person to uproot their lives and all they own. The Bungoma Court said that the Government of Kenya, through the County government of Bungoma, had unlawfully and forcibly evicted the Ogiek community from their ancestral land without due process and without providing adequate compensation. This violated the community's right to property, as enshrined in Article 40 of the Constitution of Kenya. [16]

c) Right to Culture

Indigenous Peoples' right to practise and maintain their cultural traditions has been destroyed by tourism. According to a report by Cultural Survival, the promotion of a "tourist-friendly" image of Kenya has resulted in the commodification and commercialization of Indigenous cultures, leading to a loss of cultural heritage and traditional knowledge. [17]

Indigenous Peoples have been encouraged to showcase their cultural practices for tourists, which has resulted in the transformation of these practices into tourist attractions. This has often led to a loss of their authenticity and integrity, as they are adapted to fit the expectations of the tourists. In addition, the commercialization of cultural practices has often led to the appropriation of Indigenous cultural symbols and practices by non-indigenous individuals and companies, leading to further erasure of Indigenous cultures.

The commodification of culture is prevalent in the Kenyan tourism industry, with some cultural practices being transformed into products for sale to the tourists. For example, Maasai beadwork is a popular tourist souvenir, with women from the community producing and selling these products to tourists (Kaunda & Okello, 2019). The commodification of these products can, however, lead to a loss of cultural meaning and significance, reducing these practices to mere commodities for sale.

d) Dependency on tourism

Tourism in Kenya has provided some economic opportunities for Indigenous Peoples. However, these economic opportunities are threatening to create a dependence on tourism as the primary source of income. For example, the Maasai community in Kenya has experienced a dependence on tourism as their main source of income, resulting in a lack of investment in other economic sectors (Maina, 2019). This dependence can be problematic when tourism declines, leaving communities with no economic alternatives.

e) Over-tourism

Over-tourism is a growing concern in the country, particularly in popular tourist destinations such as Maasai Mara and Amboseli national parks. Over-tourism can result in negative social, cultural, and environmental impacts,

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15 The ACHPR full judgement on the Ogiek case: https://ogiekpeoples.org/index.php/download/african-court-judgment-on-the-ogiek-reparation-case/?wpdmdl=6261&refresh=642171489d0da1679913288

16 http://kenyalaw.org/lex/actview.xql?actid=Const2010

17 Cultural Survival. (2004). Tourism in Kenya: A threat to cultural heritage. Retrieved from https://www.culturalsurvival.org/sites/default/files/KenyaReport.pdf

affecting the quality of life of the host community, including Indigenous women and girls. The Maasai Mara National Reserve, for example, has experienced overcrowding, resulting in environmental degradation and damage to the local ecosystem (Maina, 2019). Moreover, the influx of tourists and members of other communities who move in to engage in tourist-related ventures leads to increased housing costs and a decrease in the overall quality of life for the host community.

f) Criminalization and impunity

There have been instances where Indigenous Peoples in Kenya have been criminalized, persecuted, and their human rights violated in relation to tourism and conservation development.

The Sengwer community, who are forest-dwelling people living in the Embobut forest in the Cherangany Hills, have been subjected to forced evictions and harassment by the Kenyan government in the name of conservation. The government claims that the Sengwer are encroaching on the forest and destroying it and has therefore embarked on a campaign to evict them. The Sengwer community has filed several cases against the government, arguing that their rights to land, culture, and development have been violated.[18]

The Maasai community in the Amboseli ecosystem has been subjected to forced evictions and land grabs by the Kenyan government and private investors in the name of conservation and tourism. The government and investors claim that the Maasai are overgrazing the land and destroying wildlife habitats and have therefore embarked on a campaign to evict them. The Maasai community has filed several cases against the government and investors, arguing that their rights to land, culture, and development have been violated. Justice has been slow, however, and the community continues

to face threats and harassment.

These cases demonstrate how Indigenous Peoples in Kenya have been criminalized, persecuted, and their human rights violated in the context of tourism and conservation development. While some cases have resulted in favourable judgements, the implementation of these judgements has been slow, and many communities continue to face threats and harassment.

Tourism impacts on Indigenous women and girls

Women, girls, youth, and children from Indigenous communities participate in tourism in various ways, including as entrepreneurs, guides, cultural interpreters, and performers. There have been positive and negative effects of tourism on these groups, depending on the context and specific circumstances of each community.

Tourism has provided some economic opportunities for Indigenous women and girls, particularly in the areas of handicrafts, cultural performances, and eco-tourism. For instance, some Maasai women have established beadwork cooperatives and sell their products to tourists (Kaunda & Okello, 2019). Additionally, some women have become tour guides, drivers, and managers in the tourism industry (Mutisya & Mbaiwa, 2017). These economic opportunities have enabled them to earn an income, gain skills, and improve their status within their communities.

However, tourism has also led to the exploitation of Indigenous women and girls in Kenya. For example, some Maasai women have been employed as dancers in hotels and lodges, where they are expected to perform semi-nude or sexually suggestive dances for tourists

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18   https://www.amnesty.org/en/latest/news/2018/05/kenya-sengwer-evictions-from-embobut-forest-flawed-and-illegal/

(Castellani & Sala, 2018). Some women and girls have also been involved in prostitution in tourism areas (Njoroge, 2017). These activities are demeaning and harmful to the dignity and well-being of women and girls.

Tourism has also had negative environmental impacts that affect the livelihoods of women and girls who depend on natural resources for their survival. For example, tourism activities such as game drives, camping, and lodges have led to land degradation, water pollution, and wildlife displacement (Ogola & Kariuki, 2020). Women and girls who are responsible for collecting firewood, water, and other resources have to travel longer distances to find them, which can affect their health and well-being (Kaunda & Okello, 2019).

The commercialization of Indigenous culture for tourism has also led to a loss of cultural identity for some communities. For example, some Maasai women have felt pressured to abandon their traditional attire and adopt Western-style clothing in order to attract tourists (Maina, 2019). The portrayal of Indigenous cultures in a simplified or stereotypical manner furthermore continues to erode their cultural heritage and identity.

Conclusions and recommendations

The tourism sector in Kenya is multifaceted in the way it contributes to economic growth but it has largely neglected to protect the rights of Indigenous Peoples. The establishment of national parks and reserves, while necessary for tourism and conservation efforts, has often resulted in the displacement of Indigenous communities from their ancestral lands, leading to a loss of traditional resources and livelihoods. Tourism development in these areas has further exacerbated these issues, as tourism operators have been accused of engaging in land grabbing, encroaching on Indigenous lands without their consent, and excluding them from the benefits of tourism.

The violation of the right to property has been a common theme, with communities being forcibly evicted from their lands without adequate compensation. This has resulted in the loss of homes, livestock, and farm produce, leaving communities destitute and without any means of livelihood.

The right to culture has also been violated, with the promotion of a "tourist-friendly" image of Kenya resulting in the commodification and commercialization of Indigenous cultures. Indigenous Peoples have been encouraged to showcase their cultural practices for tourists, which has led to a transformation of these practices into tourist attractions. This has often resulted in a loss of the authenticity and integrity of these practices, as they are adapted to fit the expectations of tourists. The commercialization of cultural practices has also led to the appropriation of Indigenous cultural symbols and practices by non-indigenous individuals and companies, further erasing Indigenous cultures.

In conclusion, it is essential to recognize and respect the rights of Indigenous Peoples, including their right to free, prior and informed consent (FPIC) in decision-making processes related to tourism development. Tourism operators and the government must ensure that the benefits of tourism are equitably distributed, and that Indigenous Peoples are not excluded from these benefits. Efforts must furthermore be made to preserve and protect Indigenous cultures and traditional knowledge, rather than commodifying and commercializing them.

To address these violations of rights, it is necessary to promote respect for and the protection of the rights of Indigenous Peoples in tourism development. This can be achieved through the following recommendations:

- FPIC should be sought from Indigenous communities before establishing national parks and reserves or carrying out any tourism development activities that affect their lands and resources.

▪ Indigenous communities should be included in decision-making processes related to conservation and tourism development, ensuring that they are adequately represented and their views are taken into consideration.

▪ The rulings passed by the various justice systems in favour of Indigenous communities must be immediately complied with. The Ogiek of Mau and Mt. Elgon and the Endorois have filed successful cases but these are yet to be implemented.

▪ Indigenous cultures should be respected, protected, and promoted in tourism development, ensuring that cultural practices are not commercialized or altered for tourist consumption.

▪ The development of management plans and a more participatory tourism sector should be embraced to ensure Indigenous people are not exploited.[19]

▪ Tourism operators should work with Indigenous communities to ensure that they benefit from tourism development through revenue-sharing schemes, employment opportunities, and the promotion of Indigenous-owned tourism enterprises.

By implementing these recommendations, Kenya can ensure that the development of tourism is sustainable, responsible, and respectful of the rights and dignity of Indigenous communities, while also contributing to the economic development of the country.

Photo: Ogiek Peoples' Development Programme (OPDP)

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Maasai rights and the tourism activities of Otterlo Business Corporation (OBC) in Loliondo

Lenina Satulo resistiendo en lo que era su vivienda antes de ser quemada por los guardaparques del Mkungunero Game Reserve.

Introduction

The Maasai pastoralists view tourism as Europeans traveling to other places to see and photograph wild animals and sleep in the wild. The Oxford dictionary defines tourism as a business activity that provides accommodation, services, and entertainment for people visiting a place for pleasure (Oxford Dictionary, 2023). The World Tourism Organization (UNWTO), a specialized agency of the United Nations, defines tourism as a social, cultural, and economic phenomenon involving people's movement to countries or places outside their usual environment for personal or business/professional purposes.[1] The Maasai perspective aligns with the UNWTO's emphasis on human interaction and connection while acknowledging the potential for misconduct or violence arising from tourism. The Maasai do not consider hunting wild animals as a form of tourism.

Despite its positive economic impact, tourism is often associated with violence and brutality beyond what is depicted in tourism documentaries or books. In Tanzania, tourism contributes significantly to the economy, accounting for 17.5% of the country's gross domestic product and employing 11% of the labor force (National Bureau of Statistics, 2023; Tanzania National Parks, n.d.). Local communities are vital to tourism development as hosts, providers, beneficiaries, guardians of tourism resources, and landowners. However, they face challenges and constraints in participating in tourism development, such as a lack of representation, inadequate information and capacity building, and insufficient benefit-sharing mechanisms.

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1 "UNWTO World Tourism Barometer," 2013

To promote sustainable tourism development in Tanzania, the government needs to provide a conducive legal and policy framework, financial and technical assistance, incentives and recognition, coordination and collaboration, while monitoring and evaluating impacts and creating a fair tourism landscape. One of the most significant challenges local communities face in the tourism sector is the infringement of their human and land rights when tourism investments fail to uphold them.[2]

This case study aims to demonstrate the impacts of controversial tourist activities in Tanzania by examining the case of the Otterlo Business Corporation (OBC), a company associated with the Royal Family of Dubai. The case of OBC highlights the potential negative impacts of tourism activities on local communities, especially when human and land rights are violated. It also underscores the need for responsible and sustainable tourism development that balances economic, social, and environmental considerations.

While many other hunting companies operate in Tanzania, few have garnered the same level of criticism as OBC. Nonetheless, it is crucial to recognize that all tourism activities have the potential to impact local communities and the environment. It is therefore essential to establish robust regulatory frameworks and monitoring mechanisms to ensure that tourism development is sustainable and benefits local communities.

The case of the Otterlo Business Corporation in Loliondo

The controversy surrounding OBC, a hunting company exclusively serving the United Arab Emirates' Sheikhs, particularly Dubai's ruler, Sheikh Mohammed bin Rashid Al Maktoum, has been ongoing for over 30 years. The company obtained a hunting block in the Loliondo Game Controlled Area in Tanzania in 1992, covering the whole of Loliondo Division and part of the Sale Division in Ngorongoro District. The Tanzanian government imposed this allocation through the Ministry of Tourism and Natural Resources without consulting or seeking consent from the Maasai people, who do not view trophy hunting as a form of tourism and prioritize their inclusion in decision-making. Despite the Maasai's opposition, the agreement was signed on their behalf by the District Commissioner, the District Executive Director, and the MP for several villages, including Ololosokwan, Soitsambu, Oloipiri, Oloirien-Magaiduru, Loosoito-Maaloni, and Arash. While 44 hunting companies are operating in Tanzania, OBC is the only one that has faced significant criticism.[3]

Despite facing widespread criticism and opposition, OBC persists in organizing hunting expeditions exclusively for the Royal Family of Dubai while forcibly occupying Maasai villages' land. This has caused a national corruption scandal that has only worsened over time as OBC has increased its lobbying of the government in order to silence all critics and turn legally-registered village land into a protected area. The impact of hunting tourism on the ecosystem and the well-being of the Indigenous people in the region has been the object of concerns from local communities and conservationists. OBC's operations have also been challenged for their potential negative impact on the vital tourism industry in Tanzania.

The hunting activities of OBC in the border area between the Serengeti National Park in Tanzania and the Maasai Mara National Reserve in Kenya raise concerns about sustainability and legality. Although Kenya has banned tro-

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2 Gardner, 2016; Ndoinyo, 2021; Nelson, 2012

3 Since 2009, (Susanna Nordlund, 2011), a Swedish blogger and author of View from the Termite Mound, has extensively documented the atrocities committed by both OBC and Thomson Safaris in Loliondo. Chris Tomlinson also supports this argument in his work.

phy hunting, OBC continues to hunt animals in the area, including those crossing the border from the Maasai Mara National Reserve. Tanzania prohibits hunting in national parks but the government permits the hunting of animals that cross the border into the Loliondo area where OBC operates. The lack of effective enforcement of wildlife protection laws and the impact of hunting on the local ecology are also concerning.

The local communities, particularly the Maasai people and their livestock, are significantly impacted by OBC's hunting activities, posing another significant concern. Wild animals often venture onto community lands for resources and protection, so they become vulnerable to trophy hunting by OBC. It raises concerns as to whether hunting tourism is focused on conservation or profit, calling its credibility into question.

In addition to its impact on local communities, OBC's hunting activities could have profound ecological implications for the Serengeti-Maasai Mara ecosystem. Trophy hunting can disrupt natural processes such as predation and competition by removing large predators and other game animals, leading to cascading effects on the entire ecosystem.

The hunting activities of OBC in the Serengeti-Maasai Mara ecosystem consequently raise crucial ethical questions about conservation and concerns about the sustainability, legality, and impact of trophy hunting on wildlife conservation, local communities, and the environment.

The amount of revenue the Tanzanian government receives from OBC's hunting operations in Loliondo is unclear. However, according to the British-Tanzania Society, 2021, the government has raised the permit fee for hunting blocks in category I, which includes big game animal hunting, from $27,000 to $60,000. The

Loliondo hunting block falls under this category; it is therefore one of the most lucrative hunting blocks in the country. The recent forced evictions and past conflicts have reinforced the Maasai's belief that OBC's tourism practices are malicious.

Unfortunately, OBC continues to operate with impunity, benefiting from the support of the Tanzanian government. The lack of transparency and accountability surrounding the company's activities has eroded public trust in the government and legal system, undermining the rule of law. It is clear that sustainable tourism development cannot be achieved with such unethical and unsustainable practices.

Land and human rights violations

The Tanzanian government uses tourism, which is often presented as sustainable tourism or conservation and revenue generation for national interests, to justify potential infringements and forced actions[4]. This is evident in the case of OBC. The forcible occupation of Maasai lands by OBC has violated these communities' land rights. The Maasai people have been severely impacted by the infringement of their land rights by both OBC and the Tanzanian government in the guise of sustainable tourism. OBC has disregarded Tanzania's land laws and pressured the government to ignore the community land rights enshrined in the law, thereby infringing on the villagers' right to own and manage their land. The imposition of OBC on affected villages without their consent is a flagrant violation of their land rights. As a result, they cannot graze their livestock, perform their rituals, or settle freely.

Despite Tanzania's commitment to international human rights instruments, the government has failed to uphold the rights of the Maasai

4   Gardner, 2016

people, including their right to free, prior, and informed consent. Furthermore, the government's failure to recognize the indigeneity of the Maasai community has led to additional violations of their rights[5]. This situation underscores the critical need for the Tanzanian government to acknowledge and safeguard the land rights of Indigenous communities and ensure their active participation in decision-making processes.

The Tanzanian land law outlines the legal procedures for the governance and compensation of land in Tanzania[6]. Wildlife Conservation Act No. 5 of 2009 of Tanzania, specifically Section 16, prohibits the government from creating game-controlled areas or reserves on village lands. Despite this legal requirement, a new game reserve was established on village land in 2022, violating the law. The government employed the military and police to unlawfully designate 1,502 km2 of land as a protected area, depriving the Maasai of approximately 75% of their grazing land.

The Tanzanian government has disregarded the legal procedures and employed coercive measures to expropriate community land in Loliondo. This arbitrary confiscation has resulted in the detention of hundreds of people, with 24 individuals facing false murder charges and being locked up for over five months, the forced displacement of 3,000 more, plus serious injuries and the loss of an undisclosed number of livestock in 2022. Additionally, numerous houses were burned down, leaving women and children homeless and forced to become refugees. Women were subjected to inappropriate sexual encounters and molestation by rangers and police officers, and two nursing mothers were detained, leaving their children unattended at home.

The Maasai community is questioning the in-

volvement of tourism establishments in these violent activities. These violations have severely affected the cultural practices of the Maasai, who rely on pastoralism and traditional land-based rites of passage for their livelihoods. The Maasai can no longer graze their livestock according to their culture, resulting in significant reductions in their income, and thus hunger and poverty.

Furthermore, these violations have infringed upon the community's fundamental freedoms, such as freedom of expression and assembly, which are protected by law. Police intimidation, arrests, dissemination of false information through the media, and even detention without trial have been used to suppress these rights.

Criminalization and impunity

The tourism industry's abuses and human rights violations have profoundly impacted Indigenous Peoples, both in Tanzania and around the world. In Tanzania, Indigenous Peoples have been criminalized, persecuted, and subjected to violence with little or no recourse to justice. The case of the OBC company is one of the most egregious examples of this. Despite its role in facilitating crimes against the Maasai community in Loliondo, OBC has enjoyed impunity and support from the state, which has led to much suffering and trauma among the affected individuals and their families. Military operations have been used to evict people, leading to numerous arrests and forced displacements.

Unfortunately, the OBC case is not an isolated incident, and the tourism industry has been complicit in the abuse and exploitation of Indigenous Peoples. Many activists, leaders, and women have been subjected to arbitrary

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5   IWGIA, 2012

6   URT, 1999

7   URT, 2009

arrests and harm inflicted upon them over the years. The situation was particularly dire between 2009 and 2023, with greater numbers of threats in Loliondo in 2016 and 2022. Many ordinary citizens and leaders were arrested, detained, and persecuted for their involvement in various causes and movements. The total number of cases during this period amounted to an alarming number, leaving a trail of trauma and suffering among the affected individuals and their families.

Unfortunately, the legal system has failed to hold perpetrators of violence and abuse in the tourism industry accountable for their actions, perpetuating a culture of impunity. Despite efforts by affected communities to seek justice through the legal system, powerful actors often interfere in the process, denying justice and eroding trust in the government and its institutions.

To address this issue, governments and legal systems must commit to transparency, accountability, and the rule of law, protecting the rights and dignity of all citizens. A sustainable and equitable tourism industry can only be created by addressing these systemic issues.

Governments and tourism industry stakeholders need to ensure that the rights and dignity of Indigenous Peoples are respected and protected. This requires a shift from a tourism model that prioritizes profit over people to one grounded in social justice, equity, and sustainability principles.

Impacts of OBC tourism activities in Loliondo on Indigenous women and children

The tourism-related abuses resulting from the operations of OBC have had devastating and far-reaching consequences for the affected communities. The destruction of homes and properties has left numerous families homeless and without access to basic necessities such as food, water, and shelter, leaving women and children particularly vulnerable.

Furthermore, there have been disturbing reports of sexual violence committed by rangers and police officers against women, which not only poses a significant health risk but also creates a pervasive sense of fear and insecurity. In addition, there have been cases of missing individuals, causing ongoing trauma and grief for the affected families and communities in general. These atrocities are a stark reminder of the urgent need for accountability and measures to protect the safety and rights of all individuals in Tanzania.

The disruption of cultural and food systems has also significantly impacted the health and well-being of women and children. Many have gone without food for extended periods, increasing the risk of malnutrition and disease. The arrest of two breastfeeding mothers in 2022, leaving their children unattended, further illustrates the urgent need for action to protect the most vulnerable members of society.

Conclusion

The case of the OBC company in Tanzania highlights the negative impact of unethical tourist activities on local communities and underscores the need for responsible and sustainable tourism development. It is essential to create an enabling legal and policy framework that promotes community participation and benefits while ensuring that conservation goals are met. The Tanzanian government must respect the land and human rights of local communities and avoid violating them in the guise of tourism or conservation-related activities. Engaging local communities in the decision-making process and safeguarding their rights is imperative. Furthermore, there is an urgent need for greater transparency and accountability in the allocation of wildlife areas and management of tourism activities, ensuring that they serve the dual purpose of benefiting both the environment and the people dependent on it.

Governments, tourism industry stakeholders, and the international community must prioritize transparency, accountability, and social justice in order to address these systemic issues. It is crucial to recognize local communities' rights and cultural heritage and to create a sustainable, equitable tourism industry that respects their diversity. Only then can we hope to build a future that prioritizes the well-being and dignity of all individuals.

Finally, in order to promote sustainable tourism development, it is vital to establish robust regulatory frameworks and monitoring mechanisms that ensure that all tourism activities respect human rights and cultural heritage. This will help to create a fair tourism landscape that prioritizes the well-being and dignity of all individuals while meeting conservation goals. Ultimately, responsible and sustainable tourism activities will benefit both Indigenous communities and the government and promote Tanzania's development goals.

Recommendations:

1. Considering the longstanding complaints and issues in Loliondo, it is imperative that a special mission of the United Nations be sent to thoroughly examine and scrutinize the community's claims regarding their land and cultural rights. The mission's mandate should include conducting independent investigations, engaging with Maasai communities, and providing recommendations for resolving the land dispute in a fair and just manner. The mission should include experts on human rights, cultural heritage, tourism, and conservation to ensure that all aspects of the issue are thoroughly evaluated and addressed.

2. The Government of Tanzania should be requested to take immediate action to restore grazing and cultural rights to the people of Loliondo, as this is essential to protect their livelihoods. The current situation has resulted in acute shortages of feed and water for many animals, and it is estimated that some 200,000 livestock have died during the drought that was exacerbated by the reduction in pasturelands. The government should ensure that all land and resource management decisions are made in consultation with the Maasai communities, and that their needs and perspectives are considered while pursuing other processes.

3. Furthermore, it is obvious that tourism is often used as a pretext to create conservation areas in Tanzania, leading to the displacement and deprivation of Indigenous Peoples from their lands. It is therefore recommended that future funding for conservation and tourism initiatives that deprive Indigenous Peoples of their lands be stopped. A set of safeguards should be formulated by the UN to protect the interests of Indigenous Peoples in tourism and conservation projects undertaken by the State and supported by foreign organizations. Donors and investors should be encouraged to prioritize funding for community-led conser-

vation and sustainable tourism initiatives that empower local communities and respect their rights and cultural heritage.

4. It is important for the UN to directly engage with Sheikh Mohammed bin Rashid Al Maktoum of Dubai regarding the claims of the Indigenous people of Loliondo and hold him accountable for the actions of the OBC. The UN should emphasize the urgent need for a fair and just resolution to the land dispute and highlight the negative impacts that the OBC's activities have had on the communities' livelihoods and cultural heritage. Additionally, the UN should call for the Sheikh to take responsibility for any human rights violations or environmental damage caused by the OBC and ensure that appropriate reparations are made to affected individuals and communities. It is crucial that those who profit from tourism and conservation initiatives on Indigenous Peoples' lands are held responsible for any harm caused and are made to prioritize the well-being and dignity of all individuals involved.

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Impacts of tourism in Tanzania: the case of Sukenya Farm

Maanda Ngoitiko

Barabaig women and children displaced from their lands in 2029.
Photo: Navaya Ndaskoi

Introduction

The Arusha Region, covering an area of some 34,000 km2, is located in the north-east of Tanzania, bordering Kenya, has the Great Rift Valley running through it and includes several national parks, game reserves, lakes and active volcanoes. Critically, it is home to over 400,000 predominantly pastoralist Maasai who are highly dependent upon semi-nomadic pastoralism to survive. For hundreds of years, Maasai pastoralists have practised sustainable rotational grazing of livestock (cattle, sheep and goats) here in order to access pasture and water sources as they become seasonably available.

Land-use designations in the region include Village Land (VL) where people live, farm and herd cattle; Game-Controlled Areas (GCAs), and Wildlife Management Areas (WMAs) that have certain restrictions imposed but where people, cattle and wildlife should be able to co-exist; Game Reserves (GRs) where no settlement is allowed and minimal human activity is permitted; and National Parks (NPs) where no human activities are allowed. The regional government titles the land to entities, including villages, individuals and corporations. At the local level, innovative certificates of customary rights of occupancy (CCROs), developed by pastoralists, are utilized to better manage communal land.

Fundamentally, for pastoralism to thrive, three key pillars must co-exist, namely: people, land (including the pasture, water and minerals therein) and livestock. Unfortunately, over the years, land viable for pastoralism has been shrinking due to large-scale acquisition of pastoralist ancestral land for the purposes of agriculture, mining, and conservation. Remaining land resources are squeezed due to climate change, causing prolonged drought and the death of livestock. Much of the land taken for conservation is justified by a logic that tourism will not only contribute to the national but also the local economy. This argument supposes that land taken from pastoralists will return value through increased economic opportunities, including jobs, direct payments to villages and development projects. None of this has happened, however.

The case of Sukenya Farm 373

The Serengeti National Park (SNP) is a 14,750 sq. km (1.5m hectares) of savanna that sees "the Great Migration" of roughly two million wildebeest annually[1]. Thousands of other wild animals, accompanied historically by pastoralists and their cattle, follow seasonal rains to find fresh grass and access watering holes.

Established in 1930, and becoming a national park in 1940, SNP was established to better protect flora and fauna. On the unproven assumption that Indigenous Peoples had a damaging impact on these, by 1951 the movement of the inhabitants of the SNP was being severely restricted, impeding semi-nomadic pastoralist livelihoods. In 1959, new smaller SNP boundaries were established and the Governor gained the ability to declare any land in the country a national park, effectively overriding the customary rights of the Maasai. So-called "fortress conservation" had arrived in Tanzania. Under this ordinance, no inhabitants are permitted within the new boundaries. In 1981, SNP became a UNESCO World Heritage site.[2] An estimated 95,000 Maasai were forced out of SNP. Unable to live under the severe livelihood constraints of the new NCAA rules, they were left with no choice but to relocate families and bomas to the ancestral grazing lands in and around Sukenya village in Loliondo.

The disputed area of 5,106 Ha (12,600 acres) named Sukenya Farm No. 373, is found within Sukenya village, alongside Soitsambu and Monderosi villages. Prior to 1984, this area was home to over 50,000 pastoralists with an estimated 140,000 cattle, many of whom had arrived decades early after being displaced from the SNP. Using customary sustainable practices of seasonal rotational grazing, pastoralist families from SNP had re-settled here to tend their cattle and undertake small-scale subsistence cultivation to feed their families.

In 1984, the Tanzanian government focused on increasing the productivity of this area. Sukenya Farm 373 had its land title transferred to Tanzania Breweries Ltd (TBL). This took place without any community engagement, in violation of national law and the community's rights. Legal petitions were rejected, and TBL began to cultivate 700 acres of barley for the beverages industry. Critically, TBL never restricted the grazing of cattle on this farmland. However, protracted droughts and the encroachment of wild and domesticated animals meant harvest yields were poor and, in 1990, TBL deemed the farm unsuitable for large-scale cultivation and abandoned it.

TBL ceased operations in the area completely in 1991 and, in 2006, TBL bestowed a 96-year lease on Tanzania Conservation Ltd (TCL), a privately-owned sister company of Thomson

1   https://www.serengeti.com/

2   See Oakland Institute (2018) Losing the Serengeti https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/losing-the-serengeti.pdf . Simultaneously, in 1959, the Ngorongoro Conservation Area was established as a multiple land-use area, where Maasai were granted settlement rights. However, the Ngorongoro Conservation Area Authority (NCAA) was able to prohibit, restrict, or control activities in the region, including cultivating land, grazing cattle, and creating settlement dwellings.

Safaris Ltd of Massachusetts (USA), in exchange for a 1.2 million USD fee. Again, there was no community engagement in decision-making. Since 2006, TCL has operated a community-based tourism business on the disputed land.

Thomson's marketing materials state that: "Thomson Safaris and Tanzania Conservation Ltd. (TCL) are working alongside the Maasai to conserve this vast wilderness of wooded savannah and open grassland covering 12,600 acres within the Serengeti ecosystem." Thomson also claimed collaboration and cooperation with the community and employment of locals. But this supposed cooperation is considered a false claim, with community leaders from the three most impacted villages disputing their meaningful engagement in either the original TBL land title decision or its subsequent lease to TCL and standing in solidarity in order to demand that their rights be respected and their land returned to them.

Human rights violations in the Sukenya Farm 373 area

Although Tanzania voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and is home to 125-130 different ethnic groups, the State does not recognize the existence of Indigenous Peoples.[3] There is no specific national policy or legislation on Indigenous Peoples but the Akiye, Hadzabe, Barabaig and Maasai have organized themselves and their struggles around the concept and movement of Indigenous Peoples. In spite of UNDRIP Article 10, Indigenous Peoples in Tanzania have been forcibly relocated to make way for conservation and tourism activities.[4] Indigenous Peoples' rights were ignored to pursue the perceived benefit to na-

ture of turning the SNP (and now also Pololeti Game Reserve) into a fortress of conservation where no habitation is permitted.

Since 2006, the TCL claim to the land in Sukenya Farm has been disputed by the Maasai residents. The reaction of the government and its private investor partners has been continuous intimidation and violation of the rights of pastoralists living on the disputed land while litigation stalls. Community leaders from Soitsambu, Monderosi and Sukenya Villages are collectively contesting the right of the Tanzania government to transfer the land title of Sukenya Farm 373 to TBL in 1984, and also therefore, for TBL to subsequently lease the land to TCL. Moreover, community leaders and human rights defenders attest to numerous instances of threats, intimidation, forcible destruction of property (bomas and cattle), illegal detention and physical abuse of community members by security guards, police and other special armed forces operating at the instruction or request of TCL.

TCL no longer permits community members to graze their cattle in the contested area, which has been part of their ancestral lands for centuries and remains vital to the survival of their semi-nomadic cattle herding livelihoods. Members contend that this is in itself an abuse of their basic and customary rights and that attempts to change land titles to restrict land use solely to tourism will be found wanting when challenged in court.

In November 2009, Thomson announced their intention to change the land status of the disputed land from pastoralism to an exclusive tourist concession. Twenty district councillors signed a petition to oppose this. In January 2010, the village council of Soitsambu instituted legal proceedings against Thomson Safaris at the Arusha High Court. Preliminary objections that the matter had been adjudicated

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3   www.iwgia.org

4   Article 10 "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible with the option to return."

by a competent court and therefore could not be pursued further by the same party were successful appealed, and the communities of Mondorosi and Sukenya brought their case against TCL and TBL to the High Court in early 2013.

In 2012, Minority Rights Group International[5] reported a series of human rights violations allegedly committed by Thomson, including beatings and shootings of community members and burning of bomas and cattle pens by Thomson guards, detention of cattle herders by Loliondo police for "trespassing" on Thomson's disputed land and illegal seizure of their cattle; targeted intimidation and harassment of NGO staff and board members and of human rights defenders; written and phone threats to legal officers and representatives of the affected pastoralists; and harassment of women leaders by Thomson staff, one being told that unless she stopped mobilizing women to protest "we will reduce you to nothing".

In 2013, the village councils of Mondorosi, Sukenya, and Soitsambu villages filed a lawsuit in the High Court of Tanzania at Arusha against TBL, TCL, the Ngorongoro District Council, the Commissioner for Lands, and the Attorney General claiming "jointly and severally for ownership of a land known as Sukenye [sic] farm comprising 12,617 acres located within Ngorongoro District". In October 2015, the court ruled against the Maasai in the case.

Although, in 2018, the villagers did win on the challenge that TCL had unlawfully acquired 2,617 acres of the land, they were not awarded any damages by the court and the remaining 10,000 acres of Sukenya Farm 373 remains disputed.
In February 2022, the Court of Appeals ruled that the matter should be resolved outside of the court, leaving the door open for the land to be used exclusively for tourism and game-hunting.

In June 2022, the Tanzania government demarcated 1,500 km2 (150,000 ha) of land, including that which is disputed, and reclassified it as the "Pololeti Game Reserve", denying 70,000 Maasai access to dry-season grazing land critical to their livelihoods. Subsequent abuses and alleged criminal acts by police and security forces were reported, including attacks with firearms and serious acts of violence. The Maasai's cattle were confiscated and locked in pens by the authorities and they were prevented from accessing grazing and water, causing inhumane suffering and leaving families with no source of income or livelihood in Pololeti Game Reserve.

Thousands of Tanzania citizens have fled to Kenya for their safety and so that the injured can get the treatment that they were too fearful to seek in Tanzania. Dozens of local political leaders and villagers were arrested, many for protesting the arrest of their fellow villagers or family members in Loliondo. Many Loliondo residents and their family members have had their national ID cards and/or passports confiscated and burned and have ben refused replacements, a totally discriminatory act, and others went into hiding and are still hiding today. In early August 2022, four boys who were grazing their livestock around Sukenya Farm were caught by a TCL guide and beaten for no reason.

Poverty has increased within the communities around Pololeti Game Reserve since most of the cattle have been confiscated and the communities have been left with nothing to support themselves. Many of the community (103 members) have been arrested by immigration police claiming that they are Kenyans. This act of intimidation is intended to prevent them from claiming their rights.

A large number of unwarranted, unaffordable and sometimes even undocumented fines have been handed out to innocent community

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5   https://minorityrights.org/new/

members in an act of further intimidation and financial torture, further depleting their scarce resources.

The entire community continues to fear further attacks on their citizenship, rights and livelihoods by their own government. This cruel punishment means that no one has any peace of mind on the land they consider home.

The dispossession of the TBL land from the pastoralists for exclusive high-end tourism is an example of the misguided priorities of the conservation community and a number of Tanzanian government agencies. By prioritizing the potential economic benefit of tourism, these groups are directly threatening the lives and livelihoods of the Maasai people. As we are seeing, this seizure of land and eviction of people is part of a wider regional effort to enclose the Loliondo area for conservation.

Like the owners of Thomson Safaris, many of the key players in the international conservation and tourism industry are foreigners. They often see themselves as more enlightened in matters of conservation and thus the best stewards of the land. The reality is that the Maasai people have cared for the land for the last few hundred years and created the very landscape that supports both pastoralism and wildlife. The belief that foreigners are the true conservationists is false and problematic. Throughout these various dispossessions, the largely white conservation community has remained silent. They are not willing to speak up for pastoralist rights, either for fear of losing their business licences and residence permits or because they see these actions as beneficial to their own interests in tourism.

International human rights bodies have addressed the situation confronting the Maasai in Tanzania, including Human Rights Council Special Procedures, the Committee on the Elimination of Racial Discrimination and the UN Permanent Forum on Indigenous Issues.[6]

Gender dimension

Indigenous women and girls are disproportionately affected by poverty within pastoralist society. Deeply ingrained patriarchal social norms (including subliminal messages of the inferiority of girls) limit their autonomy, economic self-reliance, power to access and control productive resources, and the ability for them to meaningfully participate in decision-making at all levels. Women typically have higher levels of illiteracy and innumeracy with fewer opportunities for education or vocational skills development. They remain highly reliant on their husbands for support yet have responsibility for raising their large families, including gathering firewood, food and water.

Furthermore, the most vulnerable women and youth, who may be survivors of gender-based violence, unmarried mothers, child brides, orphans, widows, or people living with disabilities struggle the most against poverty, the socio-economic impact of Covid-19 and the impact of climate change.

Women, already struggling to support their families, are being prevented from building self-resilience and adaptation skills by: their relocation further away from water sources and into less productive areas of land; having extra constraints on their livelihoods; living with the uncertainty of future eviction; being left alone by youth and men who head to urban centres to try to find work; being more fearful of and vulnerable to intimidation and violence towards them and their family members on the part of the authorities; having fewer health services and less school provision available to them due to the punitive actions of the authorities.

These factors all compound to exacerbate their marginalization, even beyond the intolerable levels already faced by male peers.

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6   See, i.e.., Special Procedures: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26938; CERD: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/TZA/9756&Lang=en

Conclusions and recommendations

In conclusion, the continued existence of the Maasai, and other Indigenous Peoples in Tanzania, is under immediate threat. The Tanzanian government is continuing its institutional and systematic persecution of pastoralists in the pursuit of substantial tourism revenues by leasing large swathes of ancestral grazing lands for the exclusive use of elite eco-tourists and game hunters.

International and multilateral conservation bodies such as UNESCO remain willing to mask the marginalization and dispossession of Indigenous Peoples from their land by providing financial and/or technical support to the Tanzanian government to expand its fortress conservation approach, despite no hard evidence that this is a more effective conservation method than the sustainable management of lands by Indigenous Peoples.

With women and girls most harshly affected by community-wide depravations, the ongoing land disputes exacerbate the disregard for gender equity, racial equity and avoidable human suffering within the region. For pastoralist women to thrive, Indigenous Peoples' rights must be respected; structural barriers that cause intersectional marginalization of women and girls must be removed; rights violations must be addressed in legal and policy frameworks; and there must be significant transformation of oppressive social norms within Indigenous communities, resulting in enhanced economic independence, autonomy, voice and agency of Indigenous women and girls.

It is time for the world to recognize the permanent and devastatingly detrimental impact that the systematic decimation of Indigenous Peoples and their cultures will have on the societal constructs of collective responsibility and mutual respect that support sustainable ecosystems and livelihoods.

Without the support and active engagement of internationally respected bodies, able to leverage their influence with national governments, little will change systemically and IP communities and their cultures will continue to slide into extinction.

The 2018 Oakland Institute report on the Serengeti included some key recommendations that have not been implemented:

- Establish an independent commission of inquiry, to include Maasai pastoralists, in order to investigate and publish findings on land-related human rights violations.

- The Tanzanian government must refrain from intimidation tactics and focus on prosecuting perpetrators of the rights abuses involved in the arbitrary arrests, mistreatment, and imprisonment of innocent pastoralists.

- The government must ensure that pastoralists are meaningfully represented in the decision-making bodies that impact their lives and livelihoods.

- The Tanzanian government must immediately address the issue of severe hunger faced by the Maasai, restore their rights to graze and cultivate, and allow them to maintain their culture and livelihood.
- The Tanzanian government must ensure security of land tenure and communal ownership of land for pastoralists through constitutional and legislative safeguards.

- The Tanzanian government must ensure that all land taken unlawfully is restored to the pastoralists and must not allow any further land grabs or unlawful evictions.

The community now requests the urgent and direct intervention of the UN Special Rapporteur on the Rights of Indigenous Peoples, to:
- Undertake an in-depth assessment of national and international land-use regulations, laws, rights and protections for IPs.

- Use whatever powers are available, under the auspice of the UN and international laws, to ensure that the internationally-recognized IPs of Tanzania are rightfully recognized, within a legal framework, by their national government and that their rights as IPs, including their land rights, are respected and upheld by the application of those laws.

- Support the Maasai people in claiming reasonable and appropriate compensation and reparations for the abuse of powers.

Further recommendations proposed include:

- An external independent mediator should be commissioned to create space for meaningful dialogue between pastoralists and government officials and to bring peace and a long-lasting solution to this 30-year-long recurring conflict.

- Convene a meeting of leading global tourism stakeholders, rights holders and duty bearers, including representatives of IPs, from around the world committed to having meaningful dialogue in order to co-create alternative, truly sustainable models of tourism and conservation that respect the rights and needs of IPs, sustain the environment and are compatible with the national growth strategies of affected nations.

Furthermore, we recommend that enlightened strategies and substantially more resources are applied by all stakeholders and allies of Indigenous Peoples in order to tackle the causes of the ingrained cultural marginalization of pastoralist women and girls, in order to bring about a more equitable, just and resilient pastoralist society where women are respected and have a meaningful role in decision-making at all levels of society. Only then will pastoralist communities and their nations be ready to fully grasp the challenges and opportunities of the future.

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