Indigenous Tourism & Human Rights
In Asia & the Pacific Region
Review, Analysis, & Checklists

Acknowledgments

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12. References

For a list of references used for this study please contact PATA communications: communications@pata.org

Foreword

Indigenous peoples contribute significantly to the enhancement of global diversity and sustainability through the maintenance of their traditional knowledge, cultural practices and irreplaceable natural resources. Indigenous peoples also seek and are entitled to all human rights established under international law to maintain their status as culturally distinct and self-determining peoples. When these two factors combine, they provide benefits not only for Indigenous peoples but for all peoples in all areas of society, and especially through tourism. These benefits will increase as the world becomes more homogeneous and Indigenous cultures provide differentiation, authenticity and the enrichment of visitor experiences.

Tourism and Indigenous culture have much to offer each other. However, in the history of tourism development, human rights violations have been frequently raised and denounced by human rights advocacy groups, NGOs, trade unions and other civil society organizations. Sadly Indigenous groups have often been the victims of such human rights violations.

Indigenous and non-Indigenous tourism leaders, acknowledge the dichotomy that tourism can present. On one hand tourism provides the strongest economic driver to restore, protect and promote Indigenous cultures, and on the other hand it can also diminish and destroy those cultures especially when tourism activities impinge on the rights of Indigenous peoples to self-determination.

It was out of this concern and through the leadership of PATA that tourism industry leaders gathered together with Indigenous community members and government agencies in Darwin, on the traditional lands of the Larrakia people in March 2012 at the first Pacific Asia Indigenous Tourism conference. Some 191 delegates from 16 countries joined together to recognize the United Nations Declaration on the Rights of Indigenous Peoples as a foundational international instrument upon which Indigenous tourism should be fostered and resolved to adopt the principles of the Larrakia Declaration to empower the development of Indigenous tourism. The tourism force behind the Larrakia Declaration grew with the endorsement of the Larrakia Declaration by the Pacific Asia Travel Association (PATA) Board, the United Nations World Tourism Organization (UNWTO) and the World Indigenous Tourism Alliance (WINTA).

This project, *Indigenous Human Rights in Tourism,* is a research initiative made possible through the leadership of PATA and funded by *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) in order to contribute to the practical implementation of the principles of the Larrakia Declaration. We are extremely grateful to the GIZ for providing PATA with the opportunity to contribute to this much-needed work and trust that it will make a worthy contribution towards the protection and advancement of Indigenous peoples' rights within the Complete Visitor Economy.

Mario Hardy

CEO, Pacific Asia Travel Association

PATA®
Pacific Asia Travel Association

1 Introduction

Perhaps the most compelling element of travel is to experience the cultural diversity of our world. As our globe becomes more interconnected, it is increasingly critical to recognize and protect the integrity of the unique and diverse cultures that exist on our planet. Today many global Indigenous communities face varying degrees of pressure and threats, and tourism can play a unique role in preventing the loss of such diversity.

This report aims to advance the discussion on issues relating to human rights and Indigenous tourism:

- To support and maintain Indigenous cultural integrity.
- To ensure equitable benefits are achieved from tourism for Indigenous peoples.
- To enhance the richness and vitality of tourist experiences for all involved.

The outcome, we anticipate, will be a more enlightened approach to tourism development that strengthens Indigenous cultures, while at the same time contributing to community and economic growth. This however is only achievable when the rights of Indigenous people are recognized, respected, and maintained.

In the history of tourism development, human rights infractions have been a frequently raised issue. Indigenous peoples have often been the victims of such infractions or worse, violations and abuses of human right. Such ineptitude from developers (public and private sector alike) tarnishes our industry and undermines the integrity of tourism as a form of economic development.

The primary aim of the research project Indigenous Tourism & Human Rights is to support the increased engagement of the Pacific Asia Travel Association (PATA) in the prevention of Indigenous rights' infractions and violations through tourism development, and in the promotion of Indigenous peoples' tourism that is respectful of their traditional and human rights while supporting sustainable development. The research builds upon the positive contribution of PATA to these issues with the formation of the Larrakia Agreement at the first Pacific Asia Indigenous Tourism Conference held in Darwin in March 2012.

2 Project Objectives

This project has generated information to support increased efforts of the Pacific Asia Travel Association (PATA) and its members to:

1

Build upon PATA's heritage of sustainable tourism development

2

Prevent and reduce abuses of Indigenous rights that can result from inappropriate tourism activity and

3

Support & promote sustainable Indigenous peoples' tourism that is respectful of human rights and traditional cultures

The research findings are intended as an important contribution to the implementation of the **Larrakia Declaration**, that was built on the **United Nations Declaration on the Rights of Indigenous Peoples**.

UN Declaration on the Rights of Indigenous People (UNDRIP) ▶ The Larrakia Declaration on Indigenous Tourism ▶ PATA/WINTA Guidelines & Checklists for protecting human rights in Indigenous Tourism

The result of the conference was the adoption of:

The 6 Larrakia Declaration Principles:

1. Respect for customary law and lore, land and water, traditional knowledge, traditional cultural expressions, cultural heritage that will underpin all tourism decisions.

2. Indigenous culture and the land and waters on which it is based, will be protected and promoted through well-managed tourism practices and appropriate interpretation.

3. Indigenous peoples will determine the extent and nature and organizational arrangements for their participation in tourism and that governments and multilateral agencies will support the empowerment of Indigenous people.

4. That governments' have a duty to consult and accommodate Indigenous peoples before undertaking decisions on public policy and programs designed to foster the development of Indigenous tourism.

5. The tourism industry will respect Indigenous intellectual property rights, cultures and traditional practices, the need for sustainable and equitable business partnerships and the proper care of the environment and communities that support them.

6. That equitable partnerships between the tourism industry and Indigenous people will include the sharing of cultural awareness and skills development which support the well- being of communities and enable enhancement of individual livelihoods.

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Read the 6 Larrakia Principles on page 13

3 Our Approach

There have been significant advances in formal recognition of human rights for Indigenous people at a global level in recent years. This project uses these advances to craft a research approach aimed at reducing future human rights infractions and/or violations. The overall Framework of Analysis for conducting case study research is provided in section 6. The research steps were:

Project Methodology

1. Review and collate initiatives and related data addressing Indigenous human rights to identify critical themes of analysis. Special focus was placed on articles of the United Nations Declaration of Rights of Indigenous Peoples (2007), the NFI Framework, plus the Larrakia Declaration (2012)

2. Analyze regional contexts for Indigenous tourism from the South Pacific/Australia/New Zealand, Asia, and North America regions, spotlighting key sub-regions and examples

3. Identify Indigenous tourism case studies from the Asia Pacific that would demonstrate positive and negative outcomes

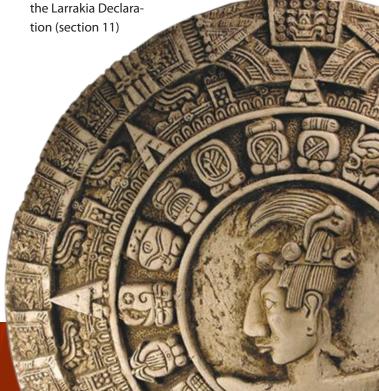4. Conduct secondary, and where feasible, primary analysis of selected cases identifying common and variable themes using UNDRIP articles and other instruments to guide analysis

5. Identify and assess critical factors and related outcomes with regard to Indigenous tourism and human rights issues through case study analysis

6. Identify goals for Indigenous tourism and functional methods of assessment for various stakeholders to generate Indigenous tourism positively and productively

Project Outcomes

1. A brief historical overview (and analysis) of recent human rights instruments relating to human rights and Indigenous tourism (section 5)

2. Identification of key themes from UNDRIP, the NFI framework, and other human rights instruments relating to Indigenous tourism (section 6)

3. A brief overview of regional characteristics concerning human rights and Indigenous tourism with spotlight discussion on selected and notable cases and themes from Asia Pacific (sections 7, 8, & 9)

4. Analysis of selected case studies of critical factors, outcomes, and lessons learned within a framework of common themes (section 10)

5. Recommended guidelines and practical checklists for Indigenous tourism development, in light of human rights issues and concerns that reflect and build upon the Larrakia Declaration (section 11)

What is Indigenous Tourism?

Indigenous tourism occurs in the context of Indigenous groups and/or societies. According to UNDP (2004), Indigenous groups are typically seen to be distinct in terms of their cultural and social identities and institutions relative to dominant groups in society. Key characteristics include:

- Self identification and identification by others as being part of a distinct Indigenous cultural group, and the display of desire to preserve that cultural identity
- Linguistic identity different from that of the dominant society
- Social, cultural, economic, and political traditions and institutions distinct from the dominant culture
- Economic systems oriented more toward traditional systems of production than mainstream systems
- Unique ties and attractions to traditional habitats and ancestral territories and natural resources in these habitats and territories

According to Butler and Hirsh (2007), Indigenous tourism refers to tourism activities in which Indigenous people are directly involved either through control and/or by having their culture serve as the essence of the attraction. As such, Indigenous tourism is a distinct form of tourism that bridges several other forms such as ecotourism, cultural tourism, pro-poor tourism, educational tourism, or even events and entertainment.

Case Study Selections

Case studies were selected from throughout the Asia Pacific by first determining if they met generally regarded criteria of Indigenous tourism, and then selecting those that provided a broad spectrum of issues that would provide insight and analysis of different human rights themes.

Criteria for Selecting Case Studies

The elements noted above provided a framework to first explore a wide range of Indigenous tourism products and communities from around the Asia Pacific. We then used a range of specific criteria to narrow our search and select cases that demonstrated a range of positive and negative outcomes relating to human rights and Indigenous tourism. These were Indigenous tourism contexts where:

1. Indigenous peoples' culture is a significant component (essence) of the visitor experience

2. Indigenous peoples are participants in the delivery of the tourism product or experience

3. Activities of the tourism product and/or visitor experience are conducted on traditional habitats and ancestral territories

4. There is preliminary evidence of issues concerning the following:

   - *Participation and control for Indigenous societies over tourism investment*
   - *Cultural capital and authenticity for Indigenous societies through tourism activity*
   - *Ecological knowledge and environmental quality for Indigenous societies through tourism activity*

5. There is evidence of positive and negative outcomes on Indigenous societies through tourism activity

Ultimately eight case studies were selected from various areas of the Asia Pacific that covered the array of criteria noted above. Additional considerations affecting the final selection included tourist product lifecycle stage, habitat variation and related traditional territory considerations, and relative ability to gather primary and secondary data for each case study selected. The outcome is a broad range of cases with variables that offered reasonable comparative equivalence around UNDRIP themes. These cases are introduced as 'Spotlights' in the regional overviews (sections 7, 8, & 9) and then in more detailed comparative analysis of case studies in section 10.

Generating Guidelines & Checklists

Case Study analysis provided the foundation to generate guidelines and checklists to help implement Indigenous tourism that in the future would be free of human rights infractions and/or violations (section 11). It was important to build upon existing work and ensure that the guidelines and checklists had practical value and enabled implementation of Larrakia principles.

Adding to Existing Guidelines

Few sets of guidelines exist for the specific purposes of Indigenous tourism development, however, forms of tourism that often intersect Indigenous tourism do have some established guidelines. For example, ecotourism has a wide array of established certifying bodies, guidelines and standardized processes. Organizations have sought to create internationally recognized standards for ecotourism certification. For example, the 2002 Quebec Declaration on Ecotourism attempts to establish a specific framework for ecotourism development. The United Nations has outlined ten principles for alleviating poverty through tourism (the Step-Program). These programs touch on themes of Indigenous tourism, however they are not specifically designed to mitigate issues resulting under the scope of Indigenous tourism development.

Numerous guidelines exist for Community Based Tourism development in a wide range of contexts and of these some touch on the subject of Indigenous tourism development. Many raise questions about product and several recommend approaches to achieve authentic cultural products (in varied contexts).

Some Preliminary Work Done

Canada has developed national guidelines to support Indigenous tourism business development. Of note, the Aboriginal Cultural Tourism: Business Planning Guide features checklists for a business plan/marketing plan approach. It does include a section that is related to the protection of human rights (protocols, involving elders in the

planning process etc.). The Australian organization (Aboriginal Tourism Champions Program) has designed a range of tourism development protocols and guidelines for aboriginal tourism in each territory or state. The new Guidelines for development of Indigenous Tourism Experiences in Central West and Outback Queensland (2014) provides a useful comparative analysis and some helpful business development recommendations for communities, governments and businesses.

This PATA/WINTA project adds value by presenting an historical perspective and overall summary of initiatives and tools relating to human rights and Indigenous tourism, clustering key themes of analysis through case study research, and then applying those lessons to a new set of practical guidelines that is built from evidence in the field.

✔ The checklists in section 12 provide a practical tool to help practitioners in communities, business, government and non-government agencies systematically determine if they have met criteria and fulfilled obligations that result in tourism that protects the human rights of Indigenous people.
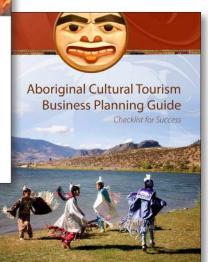

Guidelines for developing Indigenous Tourism Experiences in Central West Outback Queensland

A strategy of the CWOQTA Tourism Development Action Plan
30th May 2014

Aboriginal Cultural Tourism Business Planning Guide
Checklist for Success

4 Key Themes in Indigenous Tourism

As a starting point, it is useful to identify what Indigenous Tourism *should* encompass. This provides a foundation to differentiate Indigenous tourism themes and conduct the related research. Building on discussion in section 3, at its core, authentic Indigenous tourism should feature the following:

- Recognition, Respect, and Appreciation for Indigenous Culture
- Differentiation, Authenticity and Enrichment of Visitor Experiences
- Appreciation and Revitalization of Traditional Knowledge, Cultures and Practices
- Indigenous Knowledge and Intergenerational Stewardship of Cultural and Natural Resources
- Revitalization and/or Strengthening of Language, Pride, Identity, Self Determination
- Contribution to Indigenous Community Health, Development and Governance
- Economic Activity Providing Existence of, or a Foundation for, Negotiations, Partnership Building, Co-management, Conventions and Agreements
- Indigenous Human Resource Capacity Building, Entrepreneurship and Investment
- Sharing, Mutual Learning and Identity, Societal Gain, and an Economic Tool for Poverty Alleviation

These themes are used to select relevant variables and measures relating to human rights and Indigenous people from existing instruments. They are described in the following sections.

5   Instruments to Protect Human Rights

This section features two broad components. The first addresses key instruments at a global scale relating to human rights in general. The second section focuses more specifically on human rights of Indigenous people. Together, these provide an important background of understanding of the progress of recognition of human rights for Indigenous people and the application of these rights to tourism. It also provides an important context to the relevance and importance of the Guideline checklists that are presented in this report to help continue the progress of alleviating human rights infractions and violations for Indigenous people in the tourism industry.

A: Instruments to Protect Human Rights (General)

The Universal Declaration of Human Rights, 1948

The Universal Declaration of Human Rights (UDHR) is generally agreed to be the foundation of international human rights law. Adopted in 1948, the UDHR has inspired a rich body of legally binding international human rights treaties. Over the years, the commitment has been translated into law, whether in the forms of treaties, customary international law, general principles, regional agreements and domestic law, through which human rights are expressed and guaranteed. In fact, the UDHR has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights.

Over time, international human rights treaties have become more focused and specialized regarding both the issue addressed and the social groups identified as requiring protection. The body of international human rights law continues to grow, evolve, and further elaborate the fundamental rights and freedoms contained in the International Bill of Human Rights, addressing concerns such as racial discrimination, torture, enforced disappearances, disabilities, and the rights of women, children, migrants, minorities, and Indigenous peoples.

The UN Global Compact, 2000

The UN Global Compact moves beyond the regulatory role of states to include the business sector and is described as a call to companies everywhere to voluntarily align their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption, and to take action in support of United Nations (UN) goals, including the Millennium Development Goals. By doing so, business, as a primary driver of globalization, can help ensure that markets, commerce, technology and finance advance in ways that benefit economies and societies everywhere.

Launched in 2000, it is regarded as the largest corporate responsibility initiative in the world with over 10,000 signatories based in 140 countries. In effect, the Global Compact exists to assist the private sector in the management of increasingly complex risks and opportunities in the environmental, social and governance realms, seeking to embed markets and societies with universal principles and values for the benefit of all.

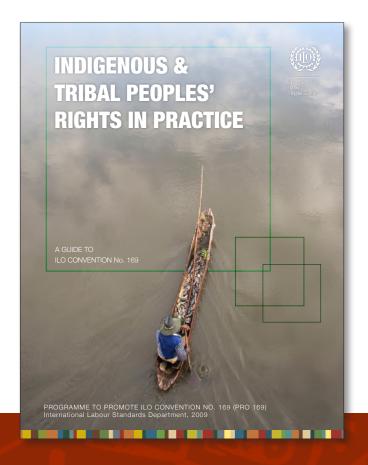## The United Nations Guiding Principles on Business and Human Rights (UNGPs)

One of the more recent developments on the broader topic of human rights is the UN Guiding Principles on Business and Human Rights (UNGPs). Endorsed by the UN Human Rights Council in 2011, UNGPs are a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. This made the framework the first corporate human rights responsibility initiative to be endorsed by the United Nations.

The UNGPs encompass three pillars outlining how states and businesses should implement the framework:

- The state duty to protect human rights
- The corporate responsibility to respect human rights
- Access to remedy for victims of business-related abuses

The development of this corporate human rights responsibility has been accompanied by the development of additional mechanisms to facilitate efforts to embed markets and societies with universal principles and values for the benefit of all.

INDIGENOUS & TRIBAL PEOPLES' RIGHTS IN PRACTICE

A GUIDE TO
ILO CONVENTION No. 169

PROGRAMME TO PROMOTE ILO CONVENTION NO. 169 (PRO 169)
International Labour Standards Department, 2009

B: Instruments to Protect the Rights of Indigenous Peoples

The Indigenous and Tribal Peoples Convention, 1989 (No. 169)

The "ILO Convention 169" represents a consensus reached by governments, employers and worker organizations on the rights of Indigenous and tribal peoples within the nation-States where they live, and the responsibilities of governments to protect these rights.

In 2013, the ILO published a handbook to help readers better understand the relevance, scope and implications of ILO Convention 169 and to foster joint efforts for its implementation.

APEC/PATA Code for Sustainable Tourism, 2002

The Code for Sustainable Tourism was adopted by both PATA and APEC as a reflection of their strong commitment to tourism growth across the Asia and Pacific region that is viable and sustainable over a long-term future. This code urges PATA and Chapter members and APEC Member Economies to, among other things, respect and support local traditions, cultures and communities by:

- Ensuring that community attitudes, local customs and cultural values, and the role of women and children, are understood in the planning and implementation of all tourism related projects.
- Providing opportunities for the wider community to take part in discussions on tourism planning issues where these affect the tourism industry and the community.
- Encouraging relevant authorities to identify cultural heritage worthy of conservation and to determine the level of development if any which would be compatible in or adjacent to those areas.
- Contributing to the identity and pride of local communities through providing quality tourism products and services sensitive to those communities.

The UN Declaration on the Rights of Indigenous Peoples, 2007 (UNDRIP)

UNDRIP was negotiated between States and Indigenous peoples for over twenty years before being adopted by the UN General Assembly in 2007. By 2010, the vast majority of UN Member States supported the Declaration, and none opposed it.

This Declaration marked a significant achievement by Indigenous peoples in obtaining international recognition of their key rights. These included but were not limited to, self-determination and land and natural resource rights, and, according to Article 43 of the UN Declaration, set forth the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world. UNDRIP does not create new or special rights for Indigenous peoples; rather, it elaborates on existing human rights standards and articulates them as they apply to the particular situation of Indigenous peoples.

The Declaration illustrates the interdependent and indivisible nature of international human rights norms and standards. Indigenous peoples' rights are, by definition, collective rights. While also including rights of individuals, the extent to which collective rights are recognized in the Declaration indicates that the international community affirms that Indigenous peoples require recognition of their collective rights as peoples to enable them to enjoy human rights. The Declaration also provides States with a framework to reduce inequality and provide remediation when Indigenous peoples' rights have been violated.

The Declaration features 46 articles on a wide range of human rights issues. In many of the articles the purpose is explained and the responsibility of the state is also articulated. For this project, articles relevant to specific themes affecting Indigenous tourism were clustered, addressed, and researched. See the Framework of Analysis for related UNDRIP themes of analysis (section 6).

The Larrakia Declaration, 2012

The Larrakia Declaration commenced as a tourism industry-led initiative facilitated by PATA and was promulgated at the Pacific Asia Indigenous Tourism Conference held in Darwin Australia 28-30 March 2012, on the traditional lands of the Larrakia people.

There were 191 delegates in attendance at the conference from 16 countries representing Indigenous communities, government agencies, the tourism industry and supporting bodies. The conference delegates resolved to adopt principles to guide the development of Indigenous tourism. The Declaration is based on the following:

- **Recognizing that the United Nations Declaration on the Rights of Indigenous Peoples, adopted on the 13th September 2007, provides the foundation for this declaration.**

- **Recognizing that whilst tourism provides the strongest driver to restore, protect and promote Indigenous cultures, it has the potential to diminish and destroy those cultures when improperly developed.**

- **Recognizing that as the world becomes increasingly homogeneous Indigenous cultures will become increasingly important for tourism to provide differentiation, authenticity and the enrichment of visitor experiences.**

- **Recognizing that for Indigenous tourism to be successful and sustainable, Indigenous tourism needs to be based on traditional knowledge, cultures and practices and it must contribute to the well-being of Indigenous communities and the environment.**

- **Recognizing that Indigenous tourism provides a strong vehicle for cultural understanding, social interaction and peace.**

- **Recognizing that universal Indigenous values underpin intergenerational stewardship of cultural resources and understanding, social interaction and peace.**

The 6 Larrakia Declaration Principles:

1. Respect for customary law and lore, land and water, traditional knowledge, traditional cultural expressions, cultural heritage that will underpin all tourism decisions.

2. Indigenous culture and the land and waters on which it is based, will be protected and promoted through well-managed tourism practices and appropriate interpretation.

3. Indigenous peoples will determine the extent and nature and organizational arrangements for their participation in tourism and that governments and multilateral agencies will support the empowerment of Indigenous people.

4. That governments have a duty to consult and accommodate Indigenous peoples before undertaking decisions on public policy and programs designed to foster the development of Indigenous tourism.

5. The tourism industry will respect Indigenous intellectual property rights, cultures and traditional practices, the need for sustainable and equitable business partnerships and the proper care of the environment and communities that support them.

6. That equitable partnerships between the tourism industry and Indigenous people will include the sharing of cultural awareness and skills development which support the well-being of communities and enable enhancement of individual livelihoods.

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The conference called on governments and all sections of the tourism industry to support the leadership shown by PATA , Tourism Northern Territory and the Australian Tourism Export Council in organizing this conference, by building bridges of partnership and cooperation between Indigenous people and their tourism industry organizations.

This conference also recognized the launch of the World Indigenous Tourism Alliance (WINTA) to facilitate, advocate and network with each affiliated Indigenous tourism body and with industry, governments and multilateral agencies.

The principles of the Larrakia Declaration were subsequently endorsed by the PATA Board and recognized and supported by the UN World Tourism Organization (UNWTO) later in 2012.

UN Working Group Develops Guiding Principles, 2013

In August 2013, following the recommendation of the UN Human Rights Council, the UN Secretary General transmitted the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises to the UN General Assembly.

This report explored the challenges faced in addressing adverse impacts of business-related activities on the rights of Indigenous peoples through the lens of the United Nations Guiding Principles on Business and Human Rights. The focus is how the Guiding Principles can bring clarity to the roles and responsibilities of States, business enterprises and Indigenous peoples when addressing these impacts.

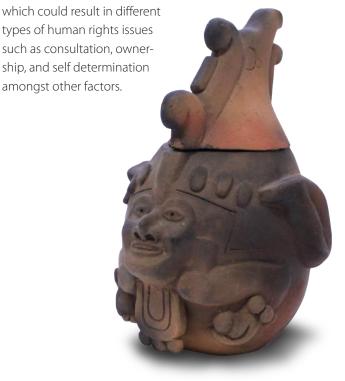## The Business Reference Guide: UN Declaration on the Rights of Indigenous Peoples, 2013

The Business Reference Guide to the UN Declaration on the Rights of Indigenous Peoples was an international collaborative effort. It grew out of dialogue among a group of Global Compact lead companies that wanted to enhance understanding of the rights of Indigenous peoples, and what to do

to respect and support these rights. The objective of the guide is to help business understand, respect, and support the rights of Indigenous peoples by illustrating how these rights are relevant to business activities.

The Guide encourages business to engage in meaningful consultation and partnership with Indigenous peoples on a local level, and to adapt the principles discussed and practices suggested to their distinct situations and contexts. Of note, the guide specifically focuses on the interaction between business and Indigenous peoples.

NFI Framework, 2013

GIZ has partnered with Nature Friends International (NFI) to craft a framework to classify violations of human rights in tourism. This serves to highlight a broad array of human rights issues and place some of them in the context of tourism, however it is focused more effectively on the rights of the individual rather than the collective rights of a community. This framework places emphasis on children and women along with migrant workers, minorities and people with disabilities, amongst other categories. It also emphasizes the issue of lifecycle stage which could result in different types of human rights issues such as consultation, owner- ship, and self determination amongst other factors.

6 Framework for Analysis

Using the UNDRIP Articles to Identify Core Themes

This project presented the opportunity to develop and test a framework for assessing and evaluating tourism initiatives on the rights of Indigenous peoples at a business and community operational level.

The framework was built by clustering key themes of the 46 UNDRIP articles around issues relevant to Indigenous tourism. These articles were then augmented with relevant additional themes from NFI, Larrakia and other instruments as previously noted. The themes chosen are as follows:

Articles 1,2,7: Autonomy, Identity, & Freedom

- full enjoyment, as a collective or as individual
- free and equal to all other peoples and individuals
- liberty and security of person
- not to be subjected to forced assimilation or destruction of culture

Articles 3, 4, 5, 18, 20, 21: Self Governance

- Autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions
- Distinct political, legal, economic, social and cultural institutions
- Participation in decision-making in matters which would affect rights
- Maintain and develop political, economic and social systems or institutions

Articles 3, 21, 32: Community and Economic Development

- Self determination–freely determine their political status and economic, social and cultural development
- Improvement of economic and social conditions
- Determine and develop priorities and strategies for the development or use of lands or territories and other resources

Articles 11, 13, 14, 31: Cultural Identity and Expression

- Not to be subjected to forced assimilation or destruction of culture
- Practice and revitalize cultural traditions and customs
- Revitalize, use, develop and transmit to future generations histories, languages, oral traditions, philosophies, writing systems and literatures
- Establish and control their educational systems and institutions providing education in own languages
- Dignity and diversity of cultures, traditions, histories and aspirations
- Maintain, control, protect and develop cultural heritage, traditional knowledge and traditional cultural expressions

Articles 26, 27, 29: Land and Resource Management

- The right to lands and resources traditionally used
- The right to use, develop and control lands and resources which have traditionally been used
- The right to conserve and protect lands, territories and resources

The framework below demonstrates the progression of analysis to ultimately arrive at guidelines that are relevant, practical, based on internationally recognized human rights issues, and capture key themes of the unique nature of Indigenous tourism. Ultimately, using this framework, guidelines are generated to help avoid future infractions, or worse, violations of indigenous human rights in related tourism development. The guidelines are designed to provide practitioners useful tools to determine if they have done all that is necessary and appropriate to ensure that as Indigenous tourism is implemented, human rights of Indigenous peoples are being identified, honoured, and upheld.

Indigenous Tourism Themes
Literature, Evidence

- Recognition, Respect, & Appreciation
- Differentiation, Authenticity & Enrichment
- Traditional Knowledge, Cultures and Practices
- Intergenerational Stewardship
- Language, Pride, Identity, Self Determination
- Community Health, Development & Governance
- Negotiations, Partnership Building, Co-management
- Capacity Building, Entrepreneurship & Investment
- Sharing, Mutual Learning & Identity, Societal Gain, & Poverty Alleviation

Human Rights Themes
UNDRIP/NFI/Other

- Articles 1,2,7: Autonomy, Identity, and Freedom
- Articles 3, 4, 5, 18, 20, 21: Self Governance
- Articles 3, 21, 32: Community and Economic Development
- Articles 11, 13, 14, 31: Cultural Identity and Expression
- Articles 26, 27, 29: Land and Resource Management
- NFI Focus on Women and Children
- NFI focus on Lifecycle Stage of Development

Case Study Evidence
Regional Research

- Context: History, National/Regional characteristics (spotlight), Tourism Development and Conditions (spotlight)
- Critical Factors: Turning/tipping points, Investment, Policy and Legislation, Economic Strategies, Natural Events, Environmental Changes, Lifecycles stages of development etc.
- Outcomes: Case Specific
- Lessons: Case Specific, General

Guidelines, Checklists for Accountability
Reflecting Larrakia Declaration

Themes:
- Respect and Recognition
- Protection and Management of Culture and Territories
- Empowerment through Organization and Governance
- Consultation and Agreement
- Business Sustainability and Partnership
- Community Building and Livelihood

From describing Indigenous Tourism Themes (section 4), and Human Rights Themes (section 5 and to the left), the report now moves to reviewing selected case study evidence. This begins with a regional description of three key areas of the Asia Pacific: Asia (section 7), North America (section 8), and Australia, New Zealand, and the South Pacific (section 9). Each of these areas have unique conditions which have led to related specific characteristics for Indigenous tourism. In addition to these regional descriptions, the contributors have spotlighted a range of sub-regions and cases. This serves as an introduction to a comparative summary of eight case studies in the following section (section 10). These case studies by region are:

- Asia Pacific
  - *Black Hmong, Vietnam*
  - *Kayan Long Neck, Myanmar*
  - *Moken Sea Gypsies, Thailand and Myannmar*

- North America
  - *Tulalip Tribes, Washington, USA*
  - *Inuvik and Western Arctic, NWT, Canada*
  - *Osoyoos (Nk'Mp) Indian Band, British Columbia*

- South Pacific, Australia and New Zealand
  - *Gunya Titjikala Enterprise, Australia*
  - *Department of Conservation Parks C0-Management, New Zealand*

Detailed individual and regional case study analyses were prepared in support of this report using comparative variables that were measured as practically and reasonably as possible within time and resource considerations of the project. Collectively the case study date enabled formulation of goals, guidelines and checklists for implementation of Indigenous tourism (consistent with Larrakia Declaration Principles) in the final section 11.

Indigenous Tourism in Asia

Ever since early explorers made their way to Asia there has been a deep and profound fascination with the native peoples of the continent. And for as long as tourism has existed in Asia the Indigenous ethnic minorities of the region have been a major attraction for visitors.

From the 1860s legendary French voyagers like Henri Mouhot, Francis Garnier, Louis Delaporte and others set out east on lengthy journeys to carry out geographic surveys and document the exotic cultures and economic opportunities in the Orient. These included expeditions to the source of the Mekong River and the mountainous reaches of what is today Vietnam, Cambodia and Laos; what would later become French Indochina, and a vital part of France's early colonial empire in South East Asia. Early anthropological writings and photo postcards of the region's Indigenous tribes confirmed a curiosity and enchantment at home in the West, and these colourful ethnic minority groups became affectionately known collectively to the French as Montagnards, or "people of the mountains".

Fast-forward to the 21st century, which many are now calling "Asia's era" and one can trace 150 years of history in tourism to Asia to discover that the region has developed into one of the world's most alluring and important travel destinations. Recent decades in particular show extraordinary growth of regional economies across Asia, starting with the rise of more developed Asian nations like Japan, Taiwan, Korea, and more recently giants like China and India and the emerging economies in the Association of Southeast Asian Nations (ASEAN).

While the nations of Asia have traditionally subsisted from the likes of agriculture, natural resources and manufacturing, tourism has steadily been creeping up – like a dark horse candidate – and towering to the surface as an economic gold mine. Previously unimaginable in countries across the region, today many of Asia's political leaders have come to the undeniable realization – and one by one acknowledge and declare – that tourism has now evolved into a key pillar in their economic foundation, and that the further sustainable development of tourism must be a national priority.

Tourism can not only bolster a nation's overall affluence, but also improve the lives of its people, and local communities. But for Asia in particular, tourism is a double-edged sword. On one hand there is indisputable evidence that the industry contributes to strengthening local economies, while on the other its potential negative cultural, social and environmental impacts can take a serious toll on the fragile places and people where tourism reaches.

One thing for sure, today more than ever, Indigenous people are a major part of the tourism fold in Asia. Their mysterious images, however, ones that are frequently touted in tourist brochures and in promotional videos, are often used with little or no deeper consideration into the potentially threatening ramifications that tourism can create. As such, there has perhaps never been a more appropriate and important time in history to examine the role of Indigenous peoples in Asia's tourism industry.

Extensive research has been carried out on the state of affairs and the needs of Asia's ethnic minorities, their social and economic development, and their protection. Such groups across Asia, notably in the highlands, are commonly disadvantaged by sub-standard levels of basic health and education, and seldom reap direct benefits from the expanding economic opportunities brought about by the striking rise in both domestic and international tourism. At the same time, Indigenous peoples in Asia have fewer opportunities to actively contribute to commercial development, and share in the rewards that tourism brings.

Typically less educated and often without legal residential status, ethnic minorities tend to be far more easily taken advantage of, and live in greater fear of authorities. This in part has made it easier in cases for investors – both legitimate and unscrupulous – to obtain permissions and permits in Indigenous areas to build, open businesses and expand, with little or no consultation from the communities in which they are operating. Rarely, especially until recent times, have people driving Asia's tourism industry considered the costs of ethno-tourism, or stop to ask the question of whether or not local ethnic communities even want tourist visitors at all.

Today we can recall remarkable examples of Indigenous peoples' involvement in tourism, from sustainably developed, well-managed enterprises to others that reveal downright exploitation and manipulation of local populations. Asia, comparatively, lags considerably behind the West when it comes to levels of awareness, consciousness, regulations, recognition and support, and its people are typically more susceptible to exploitation.

On the positive side, in recent years the appearance of more and more museums and cultural centres on ethnicities, plus a growing number of community-based, ecotourism and village programs, are shining more light on, and showing more support for, Indigenous peoples. Partnerships between the public and private sector, in conjunction with non-governmental entities and the development community, has brought sweeping changes, a rise in awareness and opportunities for poverty alleviation; but many challenges still remain in the form of ills like sexual exploitation, human trafficking and mass corruption.

The positive and negative impacts help identify the gaps between what the tourism industry takes, and the true needs of the local communities where tourists visit. Over the past two decades in particular, hundreds of millions of dollars have been mobilized in the form of technical assistance and grant funding for tourism development by the Asian Development Bank, World Bank, the UN, plus governmental and non-governmental agencies. Still, the rapid and often unmonitored development of tourism in many parts of Asia has led, directly or indirectly, to violations of Indigenous peoples' human rights, as well impacted their social, culture and religious norms.

Today more than ever, however, public awareness is higher, and the Internet and social media play a crucial role. Travellers are more socially and environmentally consciousness, and are making stronger demands for more responsible holidays with more social and environmental interest. And in response to market demands, tour operators are in turn responding, as they strive to maintain a competitive edge in the market. The so-called 3Ps – people, profit and planet – are often eluded to in Asia's tourism development circles, and across the region there are countless cases of native peoples' participation in tourism, from the worst to the best.

The following cases from different parts of Asia help give an indication of how widespread– and in some cases critical–the situation for Indigenous peoples really is.

Spotlight on South East Asia (ASEAN)

Across South East Asia alone there are hundreds of Indigenous groups, stretching from the tropical island nations of Indonesia and the Philippines to the snow-capped mountains in Myanmar's deep north. But it's the northern half of ASEAN – in particular the six-nation Greater Mekong Sub-region (GMS) – that is best characterized by its remarkable ethnic diversity. Across Cambodia, Laos, Myanmar Thailand and Vietnam, and linking up to China's southern regions of Yunnan and Guangxi, there are a very large number of Indigenous tribes, many living in the hill country along the Mekong River.

Until recent decades most of the region's native societies have been relatively untouched by tourism, and have carved out an existence surviving by slash-and-burn subsistence farming. Often far removed from the mainstream societies of the countries where they inhabit, the majority of native populations do not practice Buddhism, but rather adhere to their ancient, traditional animist religious customs; in other cases they've been converted to other religions like Christianity by foreign missionaries. Over the years and to this day, many have been caught up in regional politics, domestic and international conflicts, and remain marginalized and powerless. Some have been recruited to fight in various wars that are not their own. These are just some of the challenges. On the brighter side, recent improvements in many local areas are helping more Indigenous people gain access to the tourism value chain, and demonstrating more positive potential and outcomes for what can be done.

Perhaps the most developed tourism industry in South East Asia, Thailand boasts over 50 years of official government tourism promotion, and is a pioneering regional leader in community-based ecotourism. However, for decades many of the Kingdom's ethnic communities have faced daunting challenges, and many lessons can be learned from the case of Thailand.

One example is the so-called Royal Project Initiatives in the northern mountains of Chiang Mai and Chaing Rai provinces. Since the 1980s, success has been demonstrated in helping native mountain people shifting their dependence on slash and burn farming and opium cultivation to programs that introduce alternate cash crops like coffee, macadamia nuts, and recently an array of organic produce. In the same areas, there is an ongoing debate today over the controversial history and treatment of the Paduang (also known as the Karen), or "long-neck" tribes, originally from **Myanmar's Kayan ethnic group**, whose women are renowned for wearing rows of brass neck rings.

Decades after Burma's appropriation from India by the British negotiations between General Aung San and British authorities led to an agreement that would offer some minority groups autonomy and the possibility to formally withdraw from the Burmese state. This was never upheld due to a violent coup that saw the assassination of Aung San. Due to ongoing strife over the last 30 years many Kayan have fled to Thailand refugee camps on the border in Mae Hong Son province.

The camp most populated by the Kayan has become a popular tourist attraction that has also made the camp profitable, but It has also raised the complicated issues of exploitation and cultural appropriation. The camp remains a contentious issue among many factions. The Kayan case study is featured in section 10 of this report.

In Myanmar (formerly Burma) over 135 distinct ethnic groups are officially recognized and often grouped into eight clusters by geographical region. These are commonly referred to as the country's "major national ethnic races" while another six groups in the country are still unrecognized. Many of the country's Indigenous peoples live in the remote mountainous reaches bordering Thailand, China and India and have been subjected to decades of fighting and insurgencies, but today there are significant moves towards reconciliation and a more peaceful co-existence. Following decades of international isolation under military government rule, Myanmar is in the process of redefining its tourism industry, and is looking to neighbouring countries like Thailand for lessons, both good and bad. The recent and sweeping political changes in Myanmar do spell some positive signs for Indigenous tourism development.

In 2013 Myanmar released a new, comprehensive Tourism Master Plan that outlines in considerable detail the importance of involving the country's local communities – including its many Indigenous and ethnic peoples – in tourism. Attitudes are clearly shifting, and there is more and more clear public rhetoric about the issues. Moreover, with the recent opening of Myanmar to the world, and in turn the lifting of international sanctions that had stymied the former military dictatorship, there has been a recent influx of international organizations, media, NGOs and development agencies, all of which are helping to bring more transparency and support to local communities. Tourism too is starting to play a far more vital role in the economy, and as more and more remote areas that were formerly off limits open up there will unquestionably be more interaction and involvement with Myanmar's Indigenous peoples.

Myanmar and Thailand share a unique Indigenous group known as the **Moken** or Sea Gypsies of the Andaman Sea. This ocean based subsistence culture had lived in the region for over 3,500 years but are coming under increasing pressure and threat because of the loss of their access to the sea and traditional livelihoods. The Moken case study is featured in section 10 of this report.

Spotlight: China
Some may not immediately associate China with Indigenous populations, but areas across the country, in fact, are very rich in ethnic diversity. In particular, looking at the Mekong region, are the two southern regions of Guangxi Zhuang Autonomous Region and Yunnan Province.

One of the most culturally diverse area of China is the Guangxi Zhuang Autonomous Region. Established 1958 and formerly categorized as a province, Guangxi shares a long border with the northernmost mountains of Vietnam. The original inhabitants were abundant tribal groups and today, despite the fact that the Han Chinese are the largest single ethnic group in Guangxi, the native Zhuang people (numbering around 14 million, or one third of the population) are China's largest ethnic minority group, and maintain considerable political control. There are 11 other smaller ethnic groups including the Dong, Miao, Yao, Hui, Yi, Shui and Gin.

In the regional capital Nanning, there are two museums that celebrate Guangxi's ethnic diversity and demonstrate the level of interest and official patronage for the region's Indigenous inhabitants. Opened in 1978, the enormous Guangxi Zhuang Autonomous Region Museum is dedicated to the culture, customs and relics of Guangxi's myriad ethnic minorities. On display here are excellent examples of reconstructed dwellings, massive drum towers and over 300 traditional bronze drums. Another, world-class facility, the

Guangxi Museum of Nationalities, was opened 30 years later in 2008, as a sprawling 30,000 m² indoor/outdoor exhibition centre. Here visitors come to see traditional dwellings of the Zhuang, Yao, Miao and Dong peoples, and their relics, culture, folk art demonstrations and performances. The museum pays tribute to the tangible and intangible heritage of the area, and houses over 5,000 objects and a research centre.

Amongst Guangxi's main attractions, Guilin steals the show for its karst landscapes, and as of late has been gaining considerable tourist attention for its native peoples. Whether its trekking to remote villages around the famed Longsheng Rice Terraces or visiting one of the Disney-like ethnic villages, there is a growing interest in the unique folklore, cultures, clothing, cuisines, customs and ethnic art. Among the theme parks, such as the Li River Folk Custom Center in Guilin, it's a mix of architecture, food, live traditional music and dance performances. Some of these parks are invested in and owned by foreigners, in fact, from Taiwan.

But perhaps the world capital of ethnic minority theme parks is in the neighbouring province of Yunnan, which shares borders with Myanmar, Laos and Vietnam, where the incredible local variety of colourful ethnic minorities has evolved become a major drawing card, especially for domestic visitors. Since the early 1990s Yunnan has experienced mass tourism development, and in the past ten years a tremendous increase in domestic tourism; today annual visitors from within China to Yunnan along have reached a staggering 120 million! From the capital Kunming to the upper reaches in Lijaing (a UNESCO World Heritage town) to the sub-tropical Xishuanbanna to the south, Yunnan has numerous mega theme parks and other large-scale tourist attractions. The ethnic-themed amusement parks were set up by entrepreneurial investors, it is said as part of a strategy to promote tourism, and also to safeguard the native culture. The parks are staffed mostly by Indigenous groups, but owned by people from the Han Chinese majority. Opinions from locals working at these parks range from very positive testimonials for being authentic, and preserving their culture, to others who make claims of exploitation in the form of low wages and long hours. Some experts say it can be argued that

while contrived, the fact that the parks celebrate Indigenous culture and traditions does instil a sense of pride, especially for younger generations, in their native culture, that they may otherwise deny.

Spotlight: Laos

Some of the Mekong region's most progressive examples of Indigenous peoples' involvement in tourism come from modest, land-locked Laos, where the spirit of the people and natural landscapes are well encapsulated in the national tourism tagline "Simply Beautiful". After a long history of war and problematic Indigenous issues, notably with the H'mong people, and finally after more than 20 years of modern tourism, an large number of local initiatives providing support for ethnic peoples have emerged just in the past several years. Many of these (including those listed below) are gaining worldwide recognition and helping to raise awareness for Indigenous peoples' issues and involvement in tourism.

Founded in 2006, the Traditional Arts & Ethnology Centre (TAEC) is a non-profit museum and resource facility housed in an historic building in the charming UNESCO-protected World Heritage town of Luang Prabang. TAEC is dedicated to the collection, preservation and interpretation of the traditional arts and lifestyles of Laos's numerous ethnic groups, and showcases over 400 objects from more than thirty different ethnic groups. TAEC's mission is to be a leading place for learning and exchange on the ethnology

and artisanal heritage of Laos. It helps to promote appreciation for the cultures and skills of local people, stimulate investment, preserve and carry on craft traditions and support sustainable livelihood development and income-generation opportunities via its unique Advocacy and Livelihoods programs impacting cultural heritage management and community development.

TAEC attracts some ten thousand annual visitors for cultural exhibitions, to their café and to their shop promoting handicrafts from village artisans. TAEC does not attempt to freeze ethnic minorities in time, but rather examines the complexities of their history, along with the realities of contemporary life in Laos. They are committed to supporting living ethic minority communities to preserve and promote their cultural heritage, as well as education and community outreach and research in and with ethnic communities. TAEC's Museum shop respects fair trade principles and supports over 300 ethnic communities artisan families – primarily ethnic minority women – across 12 provinces, generating an estimated US$100,000 of supplementary income, or around 50% of the shop's revenue.

Another prime example of shopping in Luang Prabang is Ma Te Sai – literally meaning "where is it from" – which opened in 2010 with the goal of protecting ethnic traditions and identities by providing market-access for local products; and

in turn giving much-needed income to the poor, and at the same time promoting Indigenous culture and heritage. To counter the ever-increasing quantity of "local" tourist souvenirs sold that are in fact imported from China, Thailand and Vietnam, at Ma Te Sai everything for sale is hand-picked, authentic, with original designs and all made in Laos, by local people. Celebrating local Lao cultural heritage, their motto is "From the Village, For the Village" and every product on offer is bought directly from villagers or local cooperatives, never from middlemen, advancing sustainable income and higher returns to artisans from around the country, including numerous ethnic minorities who otherwise have few opportunities to access the valuable tourism value chains. They encourage the art of traditional crafts like textiles, bamboo weaving and traditional medicine made by hill tribes, as well as disadvantaged, marginalized groups such as disabled women and recovering drug addicts – and visitors can learn all about what it is they are buying. Ma Te Sai also sells local organic produce and other local delicacies, as well as organic cosmetics.

For those who want to visit the villages, the outfit Fair Trek was set up by established responsible tour operator Tiger Trail with the direct participation of seven local communities, establishing a network of trails and offering trekking, cycling, kayaking and elephant rides to remote mountain villages around the UNESCO-protected town of Luang Prabang. All

Fair Trek tours are led by trained local community guides, and each tour project aims to assist in community development and contribute to village development funds supporting micro-loans and village projects. Fair Trek managers consistently consult with locals and assist them in defining and determining how to make best use of the funds collected. Villagers also gain by arranging for meals and accommodation, and making money from the sale of traditional handicrafts, by guiding visitors and other services, including performing local songs and dances. They also assist in fund raising activities for building schools, wells, toilets and clay water filters.

In the far northern reaches of Laos near the Chinese boarder, densely-forested Phongsali Province boasts spectacular mountain scenery, abounding birdlife, and is home to an incredible 28 different ethnic hill tribes. Visitors can trek, and take part in harvesting in the area's vast tea plantations. In cooperation with local authorities and the private sector, provincial tourism leaders have established trekking programs for visitors that were founded on nature conservation and eco-tourism principles established by GIZ, the German Development Agency. Local communities are consulted and involved with all of these activities, and are able to generate income by offering lodging, food, transportation, guide services, and, by selling their handicrafts. Villagers are trained about the ways and needs of tourists, while at the same time tourists are educated about how to be low-impact visitors.

South of Phongsali, the province of Luang Nam Tha boasts pristine rivers winding through the dense forests of the Nam Ha National Protected Area, where the funds from entry permits purchased by all visitors are channeled directly back into biodiversity conservation efforts and park management. Limited group size, and a striking variety of over 20 tribal groups, make it among the country's foremost adventure and eco-tourism destinations. Trekking, rafting, mountain biking tours are designed to ensure maximum involvement from the local communities and provide sustainable alternatives to hunting, poaching and deforestation. Locally-run Eco-Guide Services conduct pre-tour orientations to prepare visitors on how to behave, waste management, etc. All good faith efforts are made to spread the benefit of tourism income, and estimates say that 30% of the revenue paid for local tours stays in the villages, while another 25% of the revenue goes directly to local drivers and guides. A notable service provider for visitors to the Nam Ha National Protected Area is The Boat Landing, a guesthouse and restaurant promoting low-impact, community-based tourism amid traditional villages on the banks of the Namtha River. Here all staff hail from the surrounding villages, and food and supplies are sourced locally. In a rare standard, local people are not only consulted on matters of village tourism, but they are also empowered to decide where tourists may visit, and in what numbers, and set the conditions for visitation.

Less visited but no less interesting, The Gibbon Experience is an eco-tourism forest and community conservation project in the deep in the jungles of the Bokeo Nature Reserve. Visitors sleep in canopy-level tree houses and explore the forests on a network of zip-lines in search of elusive Black Gibbons and other local wildlife. And although the founder offers full time employment to over 40 local villagers from different ethnic groups, from cooks to tour guides, he believes firmly in a "no ethno-tourism" approach. Rather than making the people the attraction, The Gibbon Experience works closely with local villagers and demonstrates ways to transition from unsustainable, damaging practices like slash-and-burn farming, logging and poaching to more lasting, sustainable tourism activities that are conservation-focused.

Spotlight: Northern Vietnam

Just across the border from southwestern Yunnan lies Vietnam's famed northwest highlands in Lao Cai Province and the Fansipan Mountain range. It is here that the once isolated community of Sapa and its surrounding minority villages have recently become an international travellers' mecca. Previously the region was rarely visited, even during early days of international travel to the country, although wars were fought in the high country, including Vietnam's famed victory over the French in 1954, to the west of Sapa in Dien Bien Phu. The area was however discovered and developed into a hill station for the French because of the cooler and less humid climate. Decades later, following the Viet Cong victory over US forces and fall of Saigon in April 1975, Vietnam was virtually cut off from the world, with the exception of some foreign advisors from politically friendly countries like Russia and the Eastern Bloc.

When the doors to international tourism creaked opened again in the late 1980s and early 1990s (a time when domestic tourism was virtually non-existent), only a trickle of intrepid backpackers made their way up to stunning Sapa. By the late-1990s, however, the word was out, and Sapa underwent a rapid influx of tourists, firstly with foreigners, and later with an increasing number of Vietnamese visitors catching the wave, all sharing an interest in the spectacular landscapes and the cultures of Indigenous mountain groups like the Giay, Red Dao and Hmong.

Today Sapa resembles more of a small town. Sitting at an elevation of approximately 1500 meters, two fertile valleys reach down and away from Sapa, dotted with small ethnic minority villages. The total population of the region is nearing 150,000. An estimated 85% represents at least one of the five ethnic minorities. The remainder is made up of Vietnamese, also know as the Kinh.

Traditionally, the way of life for the ethnic minorities, such as the **Black Hmong**, was primarily focused on subsistence farming. Rice and corn cultivation, as well as animal husbandry made up agricultural activities. Wood and timber harvesting as well as opium cultivation were two activities used to generate an income in the past. Today, due to new rice seed mandated by the Vietnamese government, surpluses are common. Animal husbandry, wood and timber harvesting, and manual labour are primary economic activities augmenting revenues generated by tourism. Opium cultivation has nearly vanished. For the Black Hmong, quality of life has improved.

What used to be a lunch stop for tourists trekking onward through the Muong Hoa valley, the Black Hmong community of Lao Chai is now being seen as a suitable place to overnight. The fascinating Black Hmong culture, hospitality of the community, and new trekking routes have been elements supporting this development of the community tourism product.

Generally, it is local women who are engaging in the tourism economy. Anecdotal evidence would suggest the girls generally have lower attendance rates at school. From an economic perspective, time has been better spent in the town of Sapa selling handicraft to tourists.

The gatekeepers of the Sapa tourism product are the Vietnamese, who hold the greater majority of the positions in government, and own the tourism businesses. A potential threat to the rights of the ethic minorities and the village product is the lack of inclusion and participation in decision making and tourism planning. One such example that has had impacts on the village of Lao Chai was the development of Hoang Lien Son National Park in 2002. To protect the natural environment of Fansipan range, authorities increased the borders of the park that encroached on traditionally important natural resources for the village.

Today in the village of Lao Chai, some Hmong have set up small shops and even a Hmong restaurant has been set up to attract those stopping for lunch. Three homestays have been certified with many other families planning on making investments in tourism. The Black Hmong case study is featured in section 10 of this report.

Summary

"Take only photographs, leave only footprints" once seemed a perfect way to encapsulate the essence of eco-friendly, low-impact tourism. Today, however, travellers are taking this spirit to the next level, and recognizing that visitors very well can, and should when possible, take (ie. locally-made handicrafts) away and leave (ie. money) behind. Tourists can make a positive and tangible contribution, for example, by patronizing local businesses and spending money that goes directly into the local communities they visit.

While Asia may be behind some regions in the West in some ways when it comes to true empowerment of Indigenous peoples, the fact remains that these important issues are more than ever coming to the forefront. Still, myriad challenges remain, and it's important to consider the social differences in the more sensitive, face-saving cultures of the East. At the same time, paying lip-service alone to the rights of native peoples is not enough, especially at such a critical point in history for Asia's Indigenous populations with the impacts – both positive and negative – in the face of economic modernization and globalization.

All stakeholders in the tourism industry – governments included – should be held to task in playing a role to protect and empower Asia's Indigenous populations, and further mutually beneficial interactions between tourism and Indigenous peoples. This should be central to the fundamental issues of human rights, in line with the Larrakia Declaration and the 2007 UN Declaration on the Rights of Indigenous Peoples, and considering core issues like freedom, autonomy, self-governance, self-determination, economic development and resource management, among others. The industry as a whole must stand together to strengthening policies and programs, as well as highlight and replicate examples of best practices when it comes to Indigenous peoples' participation in the tourism sector.

Sustainable, pro-poor tourism is about more than just recycling one's rubbish; it's about making a concerted effort to see that tourism brings about real and direct benefits to local people and communities. In short, and as responsible tourism was perhaps best defined, a kind of tourism "that creates better places for people to live in, and better places to visit." Today Asia stands at a critical crossroads and there is no time to waste in addressing the role of Indigenous peoples, their human rights, and their direct engagement in tourism.

Regional Overview - North America[1]

Indigenous People in Canada and the United States

Indigenous people in North America have a rich heritage that for the most part has been affected significantly by a range of influences. From one perspective these include institutional discrimination and a range of a policies and actions from a governmental level that have stripped land, resources, culture and pride from Indigenous people. From another perspective, Indigenous people for a variety of reasons (some of which are directly related to discrimination) have been unable to keep pace with the changing economic climate of the globe's most progressive economies in North America. Somewhere on this spectrum lies the situation of Indigenous people in the USA and Canada. Some individuals and communities have emerged as models in a new economy, while others (which unfortunately are most) have failed.

The outcome of colonization, assimilation, residential schooling, reserve (Canada) and reservation (USA) formation, handouts, and dishonored treaties has resulted in high levels of distrust in the dominant European culture and low incentive to participate. Indigenous North Americans have proportionately the highest rates of unemployment, incarceration, and poverty and the lowest rates of post-secondary participation in the new and so-called modern economy. Traditionally Indigenous people were highly efficient hunters, trappers and gatherers with a rich spiritual connection to the land and its dwellers (of all species). Now, much of their culture and language is often in disarray. Only perhaps as recently as the last twenty years have Indigenous people been able to regain some of the lost ground (literally and figuratively). Through modern treaty, co-management, and through policies (which have shifted to education, capacity building and cultural strengthening), Indigenous people are becoming more self-determined and they are strengthening their communities. They are generating the skills necessary to develop, plan for and implement initiatives that suit their needs. Also in recent years, Indigenous groups have become organized and their voices are being heard more clearly and more effectively.

Indigenous Tourism Issues in the USA and Canada

In both Canada and the USA, economic development on Indigenous lands has been a difficult task. All types of economic development (including tourism) both small and large are challenged by the reality of reservation life (from low levels of education to lack of financing etc.). Some communities have benefited when they are physically located to major markets or in emerging economic areas (such as Tulalip and Osoyoos). Other communities have benefited from natural resource development (such as Inuvik). A study conducted by Harvard University (2008) identified the following range of barriers for Indigenous communities in the USA which also apply to many communities in Canada:

- Lack of access to capital
- Lack of human capital (education, skills, technical expertise) and the means to develop it
- Reservations lack effective planning
- Reservations have natural resources, but lack sufficient control over them
- Reservations are disadvantaged by their distance from markets and the high costs of transportation
- Tribes cannot persuade investors to locate on reservations because of intense competition from non-Native American communities
- There is sometimes corruption in asset and business management
- On-reservation factionalism destroys stability in tribal decisions
- The instability of tribal government keeps outsiders from investing
- Entrepreneurial skills and experience are scarce

In Canada, proximity, management and access to resources have helped economic development on a grand scale although the filtering of benefit to individuals for personal advancement is an issue of concern in many cases. According to Aboriginal Affairs Canada, First Nation groups now own or control over 15 million hectares of land and Inuit own or control over 45 million hectares of land in Canada. Over $315 billion in major resource developments have been identified in or near aboriginal communities that provide employment and some economic downstream benefits although these also sometimes come at an environmental cost with related impacts on lifestyle and culture. Lack of entrepreneurship activity as noted by the Harvard study, may, in some areas, be changing. According to Canada Aboriginal Affairs, there was a 25% versus 7% growth in entrepreneurship among aboriginal people (as opposed to non-aboriginal) in 2010. Overall however, capacities and resources for meaningful economic development are limited.

One form of economic development that is directly relevant to the tourism sector is gaming and casinos. According to the National Indian Gaming Commission (NIGC) there are approximately 360 Indian gaming establishments in the United States. These casinos are operated by approximately 220 federally recognized tribes. The revenues generated in these establishments can be substantial.

The passage of the Indian Gaming Regulatory Act (IGRA) in 1988 was a key turning point in economic development on reserves in North America. The act was among the first documents in the history of federal Indian policy to force state governments into partnerships with tribal governments. The IGRA requires that tribes seeking to develop Class III (or casino-style) gaming first negotiate a compact with the state. The IGRA requires tribal government ownership of Indian casinos, and the in situ expenditure of 100% Indian gaming profits. Thus, in addition to the usual employment and purchasing, gaming facilities owned by tribal governments bring intensified local government expenditure on social, health, educational, cultural, and environmental programs and on reservation economic diversification. Reaction to this requirement has been mixed. Some tribes have resisted, claiming that the compacting requirement is an infringement of tribal sovereignty. Others have used partnerships with the state government and others as a way to exercise, and even expand, their tribal sovereignty (Harvard University, 2008).

The scope of the gaming industry is significant. Tribal casinos generate around $15 billion a year. Currently, 12% of Indian gaming establishments generate 65% of these revenues and naturally the largest are near to large metropolitan areas. Indian gaming operations located near the large urban areas of California are the fastest growing segment of the Indian gaming industry.

The overall economic benefit of the IGRA on native American communities as a whole remains quite unclear. While the total revenues are very high, reported poverty rates in native communities remain largely unchanged in the last 40 to 50 years. According to Census Bureau data, the inflation-adjusted income of Native Americans living on reservations grew by 83 percent from 1970 to 2000 although much of this growth was stimulated by federal support in the 1970s. At the same time, according to the U.S. Census, 24 percent of American Indian families were living in poverty in 1979, 27% in 1989 and 26.6% in 2010. In 2011, the Government Accountability Office (GAO) reported that of over 4 million Native American citizens, nearly 30 percent are living in poverty, often lacking basic infrastructure.

Tourism has for a very long time been a viable economic generator for Indigenous communities, but it has required the confluence of a range of factors for this potential to come to fruition. From one angle the market needs to be interested in Indigenous tourism, from another, communities

need to know how to deliver a product that results in rewarding experiences for the visitor. Ironically, perhaps, it is through the outcomes of consumerism and modern society that cultural dilution has resulted in non-Indigenous people wanting to experience and view authentic traditional culture. Additionally, it is through consumerism, urbanization, and unsustainable living practices, that non-Indigenous people are interested in traditional land stewardship. In their search for knowledge they travel to lands that, for the most part, are undeveloped and predominantly found within traditional Indigenous community reserve areas. These situations are the case for the Inuvik/Western Arctic North American case study. Equally ironic, is the fact that many Indigenous communities are now capitalizing on the modern economy through gaming and gambling operations. In some cases they have added destination appeal by enriching the character of the product with traditional art, food, and practices or cultural events, therefore adding to the appeal and success of the tourism products provided. This situation is the case for the Tulalip Tribes resort casino case study.

Overall the North American Indigenous tourism case studies raise a range of complex and interwoven themes. These require explanation to understand why certain Indigenous tourism products and experiences have been developed, and what the negative and positive outcomes of these activities are in the context of human rights. The themes include expropriation of lands and resources, loss of language and culture, modern treaty/agreements, partnerships and co-management, cultural regeneration and economic development. This context provides the foundation to explore how core themes of the Larrakia Declaration are either prevalent or not in North America case studies selected for this study.

Spotlight: Inuvik & the Western Arctic Region

Inuvik is a small town but still the third largest community in Canada's Northwest Territories and it is the region's major commercial and administrative centre. Inuvik is part of the Western Arctic region of Canada which is a massive region that stretches from the Mackenzie Delta to Nunavut. Inuvik is home to two distinct Inuit groups (the Inuvialuit and the Gwich'in groups). Both groups are descendants (like all Inuit)

of the Thule people who migrated east from Alaska. These tribes crafted skin covered boats as well as dogsleds to facilitate their mobile seal hunting camps. Ample hunting and fishing opportunities allowed the Inuit to thrive in the harsh arctic climate. As ice cover continues to decline in the North year after year, the Inuit are faced with difficult decisions. Traditional living is seceding to greater economic needs (as food stocks and hunting opportunities decline due to decreased ice cover).

After ten years of negotiation with the Government of Canada, the Inuvialuit Final Agreement was reached in 1984. This treaty established the Inuvialuit Settlement Region (ISR). The ISR spans 90,650 km2 and includes regions such as: the Beaufort Delta, The Mackenzie River Delta, and the Western Canadian Arctic Islands. This region is home to over 5,000 people, of which just over 3,000 are Inuvialuit. As part of the agreement, the Inuvialuit established the Inuvialuit Regional Corporation (IRC), which is responsible to receive and manage the benefits resulting from the land claim agreement. To ensure a sustainable legacy for all Inuvialuit, and to invest land claim capital effectively, the IRC created a

for-profit business arm, the Inuvialuit Development Corporation (IDC). Numerous bodies exist within the Inuvialuit's government structure that is tasked with cooperating with territorial and federal governmental organizations and co-managing land use within the ISR.

On April 22, 1992, the Gwich'in Tribal Council, the Government of the Northwest Territories (GNWT), and the Government of Canada signed the Gwich'in Comprehensive Land Claim Agreement (GCLCA). Under the Agreement, the Gwich'in received title to 22,422 km2 of land in the Northwest Territories (NWT) and 1,554 square kilometres of land in Yukon. Included in the NWT lands, the Gwich'in own 6,158 square kilometres of subsurface, including mines and minerals that may be found to exist within, upon or under such lands. Gwich'in population throughout the NWT and Yukon are measured at roughly 9,000 individuals.

The IDC and the Gwich'in Development Corporation (GDC) have predominantly focused on developing natural resources, notably petroleum and mining operations. The Inuvialuit offer a spectrum of services to facilitate resource development on their lands, from land surveying to waste management, fully equipped camps and catering services and transportation/logistical services (idc.inuvialuit.com). The IRC is the single largest employer in the region. Companies within the IRC portfolio are generous in response to community needs, with annual donations exceeding $1,000,000 to community organizations. In addition to the Inuvialuit and Gwitch'in corporations and investment organizations there are a range of additional organizations in the region that all have a role in tourism and economic development in some way.

Like economic development, land management systems and institutions are also relatively complicated. Bearing in mind the importance of wildlife for lifestyle and livelihoods in this region, activities of the IDC (and the related sub-entities) must consult with the Inuvialuit Game Council (IGC) where development occurs on natural habitat areas (which is virtually everywhere). As an illustration of the complexity of this system, The IGC is comprised of a chair and two representatives appointed by each Hunters and Trappers Committee (HTC) in the six Inuvialuit Settlement Region (ISR) communities. The Chair can be from any of the six communities and is elected by all 42 HTC Directors.

Indigenous tourism activities in the region are limited despite the richness of the land and the resources. Big game hunting and fishing activities exist in the region, although in recent years (due to the Barrenground Caribou and Polar Bear being put on the endangered species list) these tourists have decreased in numbers. Wilderness experiences are prevalent, such as canoeing the Mackenzie Delta, Aurora Borealis and ice road tours. Indigenous tourism activities tend to focus on the traditional Inuit practices of dogsledding, hunting, Inuit Games, the Great Northern Arts Festival and visiting whaling and seal hunting camps.

The biggest challenge, naturally, is access. Even in the summer, getting to Inuvik requires an adventurous spirit. Considering that one can travel to almost any popular destination in the world for the same price as they can fly or drive to Inuvik, it is clear the destination faces stiff competition. On top of this issue, the season (in the past) has been incredibly short, making it an issue to run a year round tourism business.

A significant issue that the aboriginal tourism industry in the Western Arctic is facing is lack of capacity. According to the ATCAC, the Inuit lack the business skills to be able to launch tourism businesses. They note that the Inuit lack an understanding of the tourists themselves, how to serve tourists, and generally have little idea as to what market readiness is.

The Inuvialuit as well as the Gwich'in do not have tourism dedicated plans or individuals responsible for overseeing the development of tourism related initiatives. Most of the encouragement is coming from external (non-Inuit) organizations such as the department of Industry, Trade and Investment (ITI), NWT Tourism, the department of Aboriginal Affairs and Northern Development Canada, and the economic development office of Inuvik. Since 2009 the ITI as well as NWT Tourism have attempted to engage aboriginals in tourism development. The sheer volume of aboriginal tourism documents (strategies, reports) clearly suggests that the ITI and NWT Tourism are attempting to react to the demand for aboriginal tourism products.

The Inuvik and Western Arctic case study is featured in section 10 of this report.

Spotlight: Osoyoos (Nk'Mip) Indian Band (British Columbia, Canada)

The Osoyoos (Nk'Mip) Indian Band (OIB) is part of the Okanagan First Nation located in the interior of British Columbia. The Band was formed in 1877 and is home to about 400 on-reserve band members. The goal of the OIB is to move from dependency to a sustainable economy like that that existed before contact (fngovernance.org).

Okanagan First Nations once travelled widely to fishing, gathering and hunting areas. Each year, the first harvests of roots, berries, fish and game were celebrated by ceremonies honouring the food chiefs who provided for the people. During the winter, people returned to permanent winter villages. The names of many of the settlements in the Okanagan Valley–Osoyoos, Keremeos, Penticton and Kelowna–come from aboriginal words for these settled areas and attest to the long history of the Syilx people on this land.

Just 40 years ago, the OIB was bankrupt and living off government social assistance. In 1988 it sought to turn the tide on this history and created the Osoyoos Indian Band

Development Corporation (OIBDC). Through positive leadership and initiative the band has been able to develop agriculture, eco-tourism, commercial, industrial, and residential developments on its 32,200 acre reserve lands. They do have the good fortune to reside in one of Canada's premier agricultural and tourism regions however it has also taken a determined and well crafted effort to become a stand out example of Indigenous economic success. The band employs hundreds of people and has annual revenues of around $26-million. The Band places emphasis on education and training and operates its own businesses, health, social, educational and municipal services.

Tourism is a large element of OIBDC's portfolio. Businesses include: a $65-million, 226 room Spirit Ridge Vineyard Resort & Spa, the Nk'Mip Desert Cultural Centre (a $9-million project opened in 2006), the Nk'Mip Campground & RV Resort (a 326-site operation open year round), as well as Nk'Mip Cellars (the first aboriginal-owned winery in North America). Site preparation is also underway for a $120-million Canyon Desert Resort that is a joint venture with Bellstar Hotels and Resorts and is located adjacent to the 18-hole Nk'Mip Canyon Desert Golf Course. The OIB Holdings corporation has established leases in the wine industry, they include: Vincor International, Spirit Ridge Vineyard Resort and Spa, Sonora Dunes Golf Course, Cherry Grove Modular Home Park; as well as agricultural leases in excess of 1,000 acres, representing over 20% of the grape production in BC: Vincor International (Winery), Mission Hill Winery, Burrowing Owl Vineyards.

The area attracts about 400,000 visitors per year, and at peak tourist season, there is essentially full employment among the more than 470 members of the Osoyoos reserve. In addition to the core businesses, there have been many secondary businesses form. For example, The award winning Nk'Mip Desert Culture Centre promotes conservation efforts for desert wildlife and has also helped to create several spin-off businesses, including a landscaping business, a greenhouse for Indigenous-plants, a website development business, a community arts and crafts market.

The Osoyoos case study is featured in section 10 of this report.

Spotlight: Tulalip Tribes (Washington, USA)

The Tulalip Tribes is a federally recognized Indian tribe located on the Tulalip Reservation in the mid-Puget Sound in Washington State, USA. The tribes of the area traditionally inhabited vast areas of land and water and were a fishing based society. The Tulalip Reservation was created to provide a permanent home for the Snohomish, Snoqualmie, Skagit, Suiattle, Samish and Stillaguamish Tribes and allied bands living in the region at the time. It is an area of 22,000 acres, of which more than 50 percent is in federal trust status. The reservation lands are rich with natural resources: marine waters, tidelands, fresh water creeks and lakes, wetlands, forests and developable land.

As is common in North American native tribal situations, the Tulalip Tribes were heavily impacted by residential school policies and practices from the late 1800's to the 1930's. The school at Tulalip and others throughout the West Coast attempted to turn Coast Salish hunters, fishermen and gatherers into farmers and blacksmiths. For Tulalip Tribes these schools resulted in the near extinction of Tribal history, culture, language, values and spiritual beliefs. Tulalip Tribes have made conscious and concerted effort to rebuild their language, culture, and community. Of note is a reemergence of Lushootseed native language in area schools. This has been achieved by working with the State legislature and local schools to introduce pre-western education.

Through all of these programs, the tribes have sought to integrate culture so that their children and families have the opportunity to be dual- cultured and to prosper with the current western world while maintaining a native way of life.

The Tulalip Tribes stand out as a prominent model of Indigenous economic development in North America and perhaps globally. Of the more than 500 federally recognized tribes in the United States, the Tulalip Tribes is the first and only to establish a federally recognized city to diversify their financial interests and promote economic activity. Their investments and services provide more than 5,000 regional jobs for members and the surrounding community.

Twenty-five years ago, Tribal economic resources were minimal - primarily government assistance through treaty agreement, income from a smoke shop, reservation forest and salmon harvesting, and the leasing of residential land

and a former military reserve Boeing test site. For decades, the main source of revenue for the Tulalip tribal government came from commercial fishing under the Treaty and from leasing reservation land to non-Indians. Progress occurred in 1983 when the Tribes were among the first to open a bingo hall, and again in 1992 when they opened their first of two casinos. In 1998, the Tribes recovered the commercial lease land from Boeing and developed a business park. This required additional services investment so they applied to the Internal Revenue Service and Bureau of Indian Affairs to create a municipality known as Quil Ceda Village – a political subdivision of the Tribes. Applications were approved in October 2000, and in 2001 Quil Ceda Village was formally recognized as a tribally chartered city – the first of its kind in the United States. The push to establish the village as an official municipality was derived from the need to create an entity through which the tribe could collect tax revenue from vendors.

Within ten years Quil Ceda Village has become a massive retail and hotel resort enterprise area. In 2001 the tribe leased land to major retail outlets including Walmart and Home Depot and the Quil Ceda Place retail center opened featuring many commercial retail and restaurant stores. In 2003 the second Tulalip Resort Casino opened, in 2005 a 100 store Seattle Premium Outlet Mall began operation and in 2008 the casino resort hotel was opened. New retail operations continue to invest and expand in the village.

The Quil Ceda Village economic development zone now attracts around 6 million visitors a year, and generates $720 million in annual revenues. Approximately $26 million is provided in annual state sales tax collections. Under their gaming compact, the tribes are required to donate 1.5% of their net proceeds from their casinos. In 2007 they awarded more than $2.2 million to more than 200 charitable causes. This was three times the amount required. In 2009 they awarded $4.3 million to more than 225 causes.

The Tulalip case study is featured in section 10 of this report.

Summary

North American Indigenous tourism development faces a range of serious challenges, but successes are starting to be demonstrated. These challenges are related to the outlined issues in the preceding sections. From cultural erosion and forced assimilation, to lack of financing, lack of interest, low levels of trust, insufficient support from federal and state/provincial governments, low levels of capacity etc.

All Indigenous groups in North America have experienced considerable cultural erosion via forced assimilation. Because of this, core elements of culture, such as language, are endangered. Culture is, of course, an important pull factor for tourism development and tourists demand for distinct and intact Indigenous culture is on the rise worldwide. Many Indigenous groups in North America are attempting to reconstruct the past. But many Indigenous groups are challenged with understanding what an authentic tourism product would even look like (considering the social erosion that has occurred).

Contemporary history has been not been kind to aboriginal people in North America. The ideal candidates to work in the tourism industry are elders (who still speak aboriginal languages) and youth (who have the greatest ability to interact with outsiders). The issue is that elders have a disinterest in tourism and a generally weary of outsiders. Many still recall the abuses of the residential school systems. Youth have the ability to engage and interact with tourists; however, capacities are limited.

Many tribes do not have the ability to generate big profits from tourism. These groups may be too remote or too far away from strong markets to implement tourism related strategies. As has been seen, Tulalip is a perfect example of an Indigenous community that has mostly benefited from its proximity to large and attractive tourism markets, as has Osoyoos . Many Indigenous groups are simply too far from strong markets to have a steady tourism draw. Inuvik and the Western Arctic are examples of cases that have vast potential (via a strong Inuit culture and vast expanses of wilderness). However, the Arctic suffers from accessibility issues (flying to Inuvik from major cities in the Pacific Northwest can cost upwards to $1500 USD).

Of particular interest to this study is the pressure for Indigenous groups to develop economically (via tourism or otherwise). Countless programs and initiatives exist to engage Indigenous North Americans in development schemes. Funding for arts and culture programs, government assistance for Indigenous entrepreneurs and on reserve (most common) resource development. The issue, however, is that few of these programs are targeted at the specific needs of each community or targeted at addressing the core issues that exist (lack of capacity and infrastructure). A cycle of independence has been fostered where many reserves aren't given the tools to empower themselves effectively. Most development initiatives come from outside the reserves. Tourism has the potential to break this cycle by giving Indigenous communities the ability to generate income and foster capacity development.

Tourism is allowing Indigenous people in North America to tell their side of the story. "Cultural Centres" communicate to tourists the history of Indigenous people and even tell the story of residential schools and the experience of youth during those times. Visitors to these attractions are able to discover more about the culture of North America's Indigenous people and the hardships they have experienced. Understanding the turbulent modern history of Indigenous people in North America will go a long way to diminishing the (both constitutional and individual) prejudice that has existed for many native North Americans over the years.
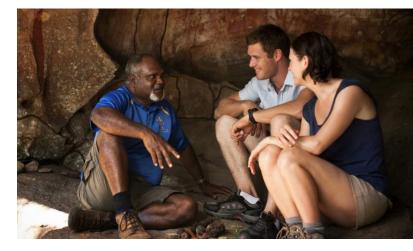
Indigenous Human Rights in Australia

The Indigenous peoples of Australia, and the Aboriginal and Torres Strait Islander peoples, have inhabited the territory of Australia for over 50,000 years. Their population is estimated to have been 750,000 at the start of British colonization in 1788, with about 250 distinct languages and over 600 dialects spoken. The Torres Strait Islander peoples, traditionally occupying the many islands between the Australian continent and what is now Papua New Guinea, have culture, languages and social patterns distinct from the Aboriginal peoples of the continent.

Since British occupation through to the mid/late 1900's, Indigenous peoples in Australia suffered harsh treatment, including dispossession of lands and social and cultural disintegration. Indigenous Australians have suffered through the stolen generation involving the forcible removal of their children from their families and communities by government agencies and churches in the early 1900's as a failed effort to assimilate the Indigenous peoples to the new society. Linked with this was the progressive loss of control over and access to traditional lands and natural resources. As stated in the preamble to the 1993 Native Title Act, Indigenous peoples "have been progressively dispossessed of their lands". This dispossession occurred largely without compensation.

Today, the Indigenous population is around 520,350 or 2.5 per cent of the total Australian population. A majority of the Indigenous population self-identifies as belonging to a specific clan, tribal or language group and many continue to reside within their traditional homelands. Aboriginal and Torres Strait Islander peoples have endured severe disadvantage compared with non-Indigenous Australians. There is a significant gap between Indigenous and non-Indigenous peoples across a range of social and economic indicators.

It took the 1991 Council for Aboriginal Reconciliation Act and the establishment of the Council for Aboriginal Reconciliation, for the Parliament to recognize that reconciliation between the Aboriginal and Torres Strait Islander peoples and other Australians must be achieved if community division, discord and injustice to Indigenous Australians were to be avoided. However, the Australian Parliament limited its leadership and responsibility in reconciliation by repealing the legislation in 2001, and leaving responsibility for promo-

tion of reconciliation between Aborigines and Torres Strait Islanders and the wider Australian community to Reconciliation Australia, as a non-government, not-for-profit foundation.

This foundation launched the Reconciliation Action Plan (RAP) Program and set about encouraging and assisting Australian organizations to develop operational business plans that document what the organizations would do within their sphere of influence to contribute to reconciliation in Australia. This was a significant move as it provided opportunity for all Australian organizations to participate in this important process. The success of the RAP program hinges on Reconciliation Australia's approach to building respectful relationships that generate sustainable opportunities. Today there are hundreds of organizations that are implementing RAPs including some of the largest private companies in Australia, government agencies at all levels, local councils, not-for-profit organizations, peak bodies, small businesses, and schools and universities. Two notable organizations are Tourism Australia and Qantas.

1 Content for the Australia, New Zealand and Pacific Island regional analysis and case studies was provided by Johnny Edmonds of WINTA

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Further efforts at reconciliation and Indigenous well-being have occurred in recent years. In 2008 the House of Representatives unanimously passed the motion for a national apology to Australia's Indigenous for "the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss" on Aboriginal and Torres Strait Islanders. The Parliament noted, "the time has now come for the nation to turn a new page in Australia's history by righting the wrongs of the past and so moving forward with confidence to the future". On April 3, 2009 the Government endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and issued a public statement pledging Government support for UNDRIP and expressing the commitment of the Government to redefining and improving Australia's relationship with Indigenous peoples. This reversed the government's earlier position of Australia on the Declaration.

In 2010, the UN Special Rapporteur James Anaya reported to the UN General Assembly on the situation of Aboriginal and Torres Strait Islander peoples and reported that the Australian Government should be commended for its initiatives and programs of recent years to address the human rights of Aboriginal and Torres Strait Islander peoples. However, overall, he also observed the need for government programs to incorporate a more integrated approach to addressing Indigenous disadvantage across the country, one that not just promotes social and economic well-being of Indigenous peoples, but also advances their self-determination and strengthens their cultural bonds. As recently as 2013, the Aboriginal and Torres Strait Islander Social Justice Commissioner Professor Mick Gooda advocated in a special report to Parliament for focus on a human rights approach for Aboriginal and Torres Strait Islanders using the *United Nations Declaration on the Rights of Indigenous Peoples* as the guide. This included a proposal to develop a National Strategy on the Implementation of the Declaration along with strategies centred on business relationships that reflect principles of the declaration.

Indigenous Australians have been described as living in a 'welfare economy' outside the mainstream Australian economy, and sometimes referred to as a 'hybrid economy' perpetuated by government administered welfare programs or 'social safety nets'.

Tourism is seen one of the few sustainable livelihood activities accessible to rural or remote Indigenous Australian communities that can act as a gateway for Indigenous people into the mainstream economy. More importantly for Indigenous Australians it can assist with the realization of their social, cultural, spiritual and country needs and aspirations. However, some research also questions the popular perceptions that cultural tourism is the panacea for Indigenous disadvantage and dependency and supporting the exercise of Indigenous rights.

Spotlight: Coorong Wilderness Lodge

Within the Coorong National Park, South Australia exists an interesting case of aboriginal tourism development, the Coorong Wilderness Lodge (CWL). This is a family run aboriginal tourism facility founded in 1997 by George and Shirley Trevorrow. It is located on land leased for twenty-five years (with an option to renew) from the Ngarrindjeri community.

This operation was the subject of a comprehensive study by Higgins-Desbiolles, Schmiechen, and Trevorrow (2010). The case represents the opportunities and the challenges faced by many aboriginal tourism enterprises in Australia. The authors note that these include: lack of capital available to Indigenous Australian entrepreneurs; problems in determining land title; continuing dependence on government funds and supports; a resulting welfare mentality which inhibits the exercise of business acumen; the need for external managerial inputs to these businesses such as mentors, business managers or joint venture partners; the significance of individual leadership for business success; the fragility of succession; barriers presented by ongoing racism, stereotypes and cross-cultural barriers; and the question of how committed governments truly are in supporting these types of enterprises in their transition to commercial viability.

The Coorong Wilderness Lodge and the Wilderness Camp that preceded it, are showcased often as exemplary cases of Indigenous Tourism in Australia however, as noted, they struggle. Of note, researchers have found that there are differing perspectives of success for Indigenous ventures compared to non-Indigenous ventures. For example, profit is viewed in terms of employment, pride, engagement and

other spin offs to the community as much as it is in dollars. Worldviews and traditions are also not compartmentalized, but rather holistic, which is in contrast to the non-Indigenous institutions and regulations that govern economic development including those on traditional lands. Researchers of this case study and other Indigenous tourism ventures in Australia have called for more holistic and coordinated approach to Indigenous tourism development to help facilitate enterprises that are successful in both economic and community terms. Another successful community based case study with similar characteristics to CWL, the Gunya Titjikala in Central Australia, is featured in section 10.

Indigenous Human Rights in New Zealand (Aotearoa)

Maori are the original inhabitants of New Zealand (Aotearoa) having arrived on the islands of N Z as early as A.D. 800, from East Polynesia. First contact between Maori and European occurred in 1642 with Abel Tasman and next in 1769 when James Cook arrived and he was subsequently followed by sealers, whalers, missionaries, the British Crown and ultimately colonization. The impact of colonization on Maori was severe. The influx of new peoples exposed Māori to new introduced diseases, leading to severe epidemics including a major decline in Maori life expectancy. From 1810 to 1840 there were some 120,000 deaths.

In 1840 the Treaty of Waitangi regarded as the founding document of the nation was signed by the British Crown and Maori Chiefs. The Treaty enabled the establishment of government by the British Crown, the subsequent colonization of New Zealand and provided the basis for Maori human rights. The Preamble sets out the purpose of the Treaty: to protect Maori rights and property, keep peace and order, and establish government. For decades there were repeated failures of the Crown to honour these founding promises. Despite this, the Treaty is regarded as an important 'living document', central to New Zealand's present and future, as well as its past and establishes a relationship "akin to partnership" between the Crown and Maori, and confers a set of rights and obligations on each Treaty partner.

The Treaty has been described as having two key elements neither of which are viewed as exclusive to the other. These are: providing all people the right to live as citizens of New Zealand (under one law), and affirming that Maori have the right to live as Maori, with particular responsibilities for protecting and developing those things valued by Maori (nga taonga katoa). What binds the two parts of the Treaty together is the concept of

turangawaewae (a place to stand), which articulates one of the most important elements of the Treaty debate: the right of all peoples to belong, as equals. This means that the Treaty belongs to all New Zealanders, and all New Zealanders have responsibilities towards each other based on belonging to this place.

After the treaty was signed the Maori population continued to decline to only 40% of its pre-European contact size. Loss of Māori land – through confiscation following the 1860s land wars, Crown purchase and the Native Land Court – led to the displacement of large numbers of Maori. Deprived of their land, Maori tribes were in many instances reduced to poverty, with no option but to live in overcrowded and unhygienic conditions. Losing land, they also lost access to traditional food sources. Despite this Maori continue to possess a strong and vibrant culture, enriching New Zealand society as a whole.

New Zealand has taken action on recommendations for improvements to human rights issues in the context of Indigenous peoples and has become a positive model globally. These can be traced to the formation of the Waitangi Tribunal to hear grievances concerning the Treaty of Waitangi as far back as the 1980s. Many settlements have been reached with individual tribes and collectively for Maori such as the rights to language and the rights to airway. In 2005, the UN Special Rapporteur on the rights of Indigenous peoples conducted his first review of NZ and focused on the state of the Maori in New Zealand. The Special Rapporteur observed that during the previous three decades, ethnic relations in New Zealand changed from an assimilationist model (that undermined Maori cultural identity and governance structures) to a new bicultural approach based on the Treaty of Waitangi principles and the partnership between Maori and the Crown.

In 2009, the UN Human Rights Council completed its first Universal Periodic Review (UPR) of NZ's human rights performance. The Government accepted 33 of the 64 UPR recommendations unreservedly, and agreed to 12 more after further discussion. In 2011 another review was completed by the UN Special Rapporteur who concluded that New Zealand had made significant strides to advance the rights of Maori people. He also noted that the Treaty settlement process in New Zealand is one of the most important

examples in the world of an effort to address historical and ongoing grievances of Indigenous peoples, and settlements already achieved have provided significant benefits in several cases.

In January 2014, UN Human Rights Council completed its second Universal Periodic Review (UPR) of NZ's human rights performance of which some 76 UN member states participated in the review. Overall, the participating States recognized the high realization of human rights in New Zealand and commended the Government on its ongoing commitment to improve rights for all people in Aotearoa New Zealand. Participating states determined that there was much to learn from the New Zealand experience and expressly requested NZ advice and assistance. Bearing this in mind, systemic disadvantage remains to be fully addressed and the process of providing redress for historical grievances is yet to be completed. There are actions to be taken as part of the review and these are being set out in a National Plan of Action for Human Rights to be prepared by the NZ Human Rights Commission.

Tourism and Maori have a long history of engagement. The relationship between Maori and the Crown and all New Zealanders has been an evolving one, a roller coast ride which focused by the Treaty of Waitangi has led to instances of polarization and to instances of shared celebration. Added to this, New Zealand has gone through periods of economic stress and transition that has changed the entire country's approach to economic development. In 1984 New Zealand was close to defaulting on its international payments, so the country shifted sharply into a market based economy versus the traditionally government supported and regulated approach. The early 1990s featured massive restructuring of public assets by the NZ Government for corporatization which prompted and led to a successful challenge by the NZ Maori Council to the Court of Appeal for government to put in place safeguards to enable the consideration of outstanding tribal claims and where warranted the settlement of grievances under the Treaty of Waitangi by the Crown. This resulted in a period of new legislation referencing the principles of the Treaty of Waitangi, restructuring of government agencies, asset disposals and the commencement of a series of significant settlement of Treaty grievances.

Research suggests that despite tourism and Maori having a long history of engagement, the nature of this engagement has evolved considerably in the last 20 to 25 years. This is principally a result of government recognition of Tangata Whenua tribal rights and resolution of tribal grievances under the Treaty of Waitangi for past government breaches of the Treaty provisions. The resolution of grievances has enabled tribal groups increased opportunity to directly invest in tourism and to also influence/participate in the management of NZ's most important conservation estates that contribute significantly to tourism in NZ. This is an especially prevalent theme in the context of New Zealand's conservation estate (including national parks) where Maori are an integral part of management and conservation. The Department of Conservation is therefore featured as a case study in relation to human rights later in this report.

Spotlight: Cultural Interpretation in Aoraki National Park

In 2004, Emily Carr conducted research in Mt Cook National Park (location of New Zealand's highest peak) and observed that until the late 1980s, national park interpretation focused on early European exploration and settlement, and scientific perspectives, e.g. the geology, botany and zoology of natural areas. Maori perspectives were rare, any interpretation tending towards historical accounts, with little acknowledgement of the contemporary ties between Maori and the

landscape. Following the introduction of the Conservation Act 1987 and the requirement to give effect to the principles of the Treaty of Waitangi, the Department of Conservation management included Ngai Tahu perspectives within new interpretation projects to assist with protecting the mana (pervasive supernatural or magical power) and integrity of the cultural heritage values located in the areas. The interpretation section of the 1989 management plan was the first to refer to 'Maori traditions' and the significance of Aoraki to 'Maori' was mentioned, but without acknowledgment of Ngai Tahu as the Tangata Whenua. There was some improvement in the 1991 park interpretation plan but it was highly restrictive for the effective interpretation of Maori values and culture.

In 2000, following the Crown – Ngai Tahu Treaty settlement and associated passing of the Ngai Tahu Claims Settlement Act (NTCSA) 1998, the Canterbury Conservation Management Strategy (CCMS) identified that a Ngai Tahu perspective within park interpretation was a priority resulting in 'increased understanding among visitors of Ngai Tahu custom'. There began a concerted effort to incorporate meaningful Maori heritage into interpretation of the park landscape and heritage. This is of particular significance to tourism as it altered significantly the visitor learning experience and their perspective of New Zealand and the value placed on Maori heritage as an integral part of understanding of the significance of the land and its characteristics.

The NTCSA 1998 established some strong elements of heritage and management in of one of the most significant national parks in the country. It incorporated clauses pertaining to the need for recognition of Ngai Tahu mana and rangatiratanga in official documents such as the most recent Aoraki/Mount Cook National Park Management Plan. Furthermore a Deed of Recognition placed an onus of responsibility on DOC land managers and others to consult with Ngai Tahu over the use of the Topuni area. Consultation was a crucial step in the process of producing interpretive material that may affect the mana of Ngai Tahu (DOC, 2000, 200 b,c; O'Regan, 1987,1990; Russell, 2000). Protocols were developed to guide DOC management of taonga, mahika kai, historic resources, visitor and public information associated with Ngai Tahu.

Place names were officially amended to recognize Ngai Tahu mana, including the dual naming of 'Mt Cook' as 'Aoraki/Mount Cook'. Until the 1990s the Ngai Tahu name for Mount Cook (Aoraki) was excluded from literature produced by government.

Carr noted that awareness of cultural values for Aoraki/Mount Cook started to appear through activities other than visitor interpretation. The Ngai Tahu perspective of the mountain was incorporated in the NZMGA training syllabus. Practices amongst climbers and guided groups began to slowly change as a result of the educational material they encountered at the park visitor centre and in alpine huts. Climbers and mountain guides appeared more aware of the need to respect the cultural significance and ecological welfare of the alpine environment by not leaving human waste or litter on the mountain. Guiding companies started to include the Ngai Tahu and English versions of the mountain's name in promotional material, thus acknowledging the Ngai Tahu relationship with the area.

The New Zealand Department of Conservation case study is featured in section 10 of this report.

Indigenous Human Rights in the Pacific Islands

The small developing Pacific States are mostly characterized by the fact that they are independent island nations where the traditional peoples are not marginalized in their own country or a minority for whom decolonization is still an incomplete project. Notwithstanding their different context compared to countries where the traditional peoples have been marginalized by colonization, Human Rights are still a very important agenda item.

The Pacific has not experienced the kind of human rights violations seen elsewhere in the world, however, during the Pacific Human Rights Consultation in Suva in 2004, a number of pressing human rights issues were identified. These were echoed in the Forum Members Regional Workshop on National Human Rights Mechanisms in Suva in 2005. In 2006 the Pacific was affected by incidents of civil unrest in Tonga and Solomon Islands and actions by military personnel in Fiji to take control of the Government, leading to concerns about human rights violations. The intentions or aspirations of the Pacific Islands States to address human rights issues are clear and human rights is one of the seven areas identified as requiring attention according to the Pacific Plan endorsed in 2005. The goal of the Pacific Plan is to achieve "a region of peace, harmony, security and economic prosperity, so that all of its people can lead free and worthwhile lives".

The South Pacific Tourism Organization (SPTO) contributes to the implementation of the Pacific Plan and has been engaged in development projects and activities to strengthen national capacities, particularly in the private sector, with special emphasis on small-scale operators. Pacific Forum Islands countries have stressed the importance of culture "as it represents the expression and identity of the people and the foundation of the richness of our cultural diversity, traditions and customs".

In the Pacific Islands, the interface and engagement of Indigenous peoples' with tourism arises principally because of their mutual interests in lands held in customary ownership by local communities. *Customary land* is the dominant form of land tenure in the Pacific region and is pivotal to customary owners' ability to exercise their rights as Indigenous peoples. In most Pacific countries customary ownership accounts for more than 80% of the total land area. The characteristics of customary land tenure are significantly different from those of public land or freehold forms of tenure. Land rights are managed by customary groups according to their own unique processes, which are linked to underlying social and spiritual belief systems. For countless

generations, customary tenure has successfully met the basic needs of people in the Pacific region by effectively adapting to changing social and environmental conditions. Land has come to represent an important safety net in terms of the subsistence lifestyle of many people in the region.

In recent years considerable focus has been placed on land policy reform in the Pacific region. Papua New Guinea, Vanuatu, Solomon Islands, Samoa and East Timor, for example, have been undertaking or considering land policy reforms to ensure that land contributes to national social and economic development. These deliberations in reconciling customary land and development in the Pacific, clearly point to the need for tourism and customary landowners and other interested stakeholders to work collaboratively and in accordance with the local customary land systems.

To date, there have been a range of circumstances where customary owners and tourism interests have overlapped including situations where:

- Non-Indigenous tourism interests seek to establish high cost capital works (such as international resorts etc) on customary lands, with Indigenous participation rights limited to role of lessor;

- Conservation focused agencies seek to protect natural ecosystems and associated experiential opportunities in collaboration with Indigenous communities on customary lands; and

- Indigenous communities seek to augment subsistence livelihood with low impact tourism activities (such as accommodation developments or local cultural tours etc).

In general the amount that customary owners have participated or been consulted in tourism developments not surprisingly, but importantly, correlates directly with levels of observance of customary rights. In some cases this has presented customary groups with significant challenges that have undermined their sense of identity, intergenerational rights and obligations associated with the custodianship of their customary lands and waters.

10 Selected Case Studies and Analysis

Each of the following case studies were introduced in the regional context discussion of the preceding three sections. This section now draws out consistent themes to help identify critical issues that have impacted indigenous tourism in each case, the positive and negative outcomes in regard to human rights themes of analysis, and the lessons learned. The cases are summarized at the end of the section in the context of Larrakia Declaration core themes. The cases reviewed are as follows:

- Asia Region
  - *Black Hmong, Vietnam*
  - *Kayan Long Neck, Myanmar*
  - *Moken Sea Gypsies, Thailand and Myannmar*

- North America Region
  - *Tulalip Tribes, Washington, USA*
  - *Inuvik and Western Arctic, NWT, Canada*
  - *Osoyoos (Nk'Mip) Indian Band, British Columbia*

- South Pacific, Australia, and New Zealand
  - *Gunya Titjikala Enterprise, Australia*
  - *Department of Conservation Parks Co-Management, New Zealand*

Black Hmong (Vietnam)

Core Themes: Autonomy · Identity · Governance · Economic & Political Development · Cultural Identity

Globally there are nearly 5 million Hmong. Diaspora of the Hmong from China and throughout Southeast Asia have created significant communities throughout Vietnam, Laos and Thailand. Approximately 1 million Hmong live in Vietnam.

The Sapa region of Northern Vietnam has become one of the country's primary tourist destinations, in part because ethnic minorities have maintained many of their traditional ways of life. However, although tourism has been touted as tool for poverty reduction and opportunity for employment, it could be argued that it has also impacted the local culture.

The Black Hmong of the Sapa are proportionately the largest group in Sapa. Like the other ethnic minorities in Sapa, the Hmong have traditionally lived as subsistence farmers. Today, with the continued grow of tourism, small village communities such as Loa Chai are entering the tourism sector. Individuals from these communities are gaining employment as tour guides, others are developing homestays and many sell handicrafts to tourists.

There have been several foreign organizations coming to Sapa leading capacity building project to help strengthen the capacity of the ethnic minority communities, including Lao Chai, for tourism. Anecdotal evidence suggests that there is a level of prejudice between the Kinh and the ethnic minorities. Government intervention, in terms of land use, education and mandated rice seed, have had critical repercussions on the rights of this indigenous group and has been influential in the Black Hmong's engagement in the tourism industry.

Critical Factors

- Diaspora of the Hmong across Southeast Asia from China has seen the development of large Hmong communities in places like Sapa.

- The Hmong have traditionally been subsistence farmers. Government intervention in the type of rice seed used has brought the Hmong out of subsistence and into the formal economy because of surpluses.

- Tourism has been an important economic generator for the region.

- The Hmong exhibit low education levels and limited capacity with the Vietnamese language. Black Hmong girls and women have become known for their ability to quickly learn English from tourists.

- The Kinh generally see the ethnic minority groups as *backwards*.

- Centralized government offers little opportunity for community participation in decision making.

- The creation of Hoan Lien Son Park has made important forest resources illegal to collect and has encroached on the Lao Chai village's ability to expand.

Outcomes

- Tourism has contributed to wider recognition of the unique cultural identity of the Black Hmong, and as such has to some extent helped protect cultural identity.

- Tourism has contributed to dilution or dissemination of culture especially with youth due to the demonstration effect of tourism in the communities.

- Tourism has become influential in demonstrating that the traditional ethnic minority culture attracts tourists. Tourism has also been the vehicle to bring many individuals into the formal economy.

- Tourism has been prominent in mobilizing small factions of the community. Of note, women within the Black Hmong communities of Sapa have found gainful entrepreneurial opportunity within the tourism industry.

- Tourism has not yet led to formation of formal political, legal, and economic institutions although informal social and cultural institutions have formed, notably in collective efforts around attracting visitors to the cultural communities such as Lao Chai, plus in the informal network of Black Hmong guides and homestay operators.

- Without formal and influential village institutions and/or structures, village communities have not had an effective voice in political and administrative process and have been subject to policies that have disregarded and/or not included the community. These include transportation infrastructure, schooling, health etc.

- Engagement into any formal activity (i.e. government, economy) has been limited by low education levels and poor Vietnamese language skills.

- Through economic and political or governance disadvantages, Black Hmong for the most part have not kept pace with destination development for the Sapa region and have remained economically and socially disadvantaged for the most part.

Lessons Learned

- Black Hmong's cultural identity has been under pressure due to societal perception of status and related limitations on economic opportunity.

- Black Hmong have found it challenging to form institutional, community, and economic strength in light of their perceived social status.

- Black Hmong demonstrate considerable resilience to maintain community identity in light of their perceived social, political, and economic status.

Kayan Long Necks (Thailand / Myanmar)

Core Themes: Freedom · Self Governance · Community Development

The Kayan are an ethnic minority within Myanmar situated in the eastern region of Kayah State bordering Thailand. The Kayan have lived in Kayah State region for over 2000 years, however history of the area is riddled and complicated by the implications of colonization, independence and civil war.

Over the last 30 years some Kayan have had to flee to Thailand setting up refugee camps on the Thai border in Mae Hong Son. Some reports estimate that over 100,000 ethnic people have been displaced by the fighting and abuses in Myanmar. One of the camps is home to the Kayan long neck. The camp has become a popular tourist attraction that has also made the camp profitable due to the tourism revenues generated. The camp, infamously regarded as a human zoo is a contentious issue among many factions including locals, tourists, tourism professionals, human rights activist and academics alike.

This facility is marketed by Thailand's tourism industry, tourists pay an entrance fee and freely roam the village. Karen girls and women who wear the neck rings are paid a wage. The commodification of culture, the freedom to choose whether or not to wear the neck rings and the circumstances related to refugee-status are some of the major contested issues in this case.

Critical Factors

- Non-binding agreements between the British and the Aung San authorities suggested autonomy for ethnic minorities in Burma.

- Tensions have escalated and fighting between the Kayan and the Myanmar military has occurred.

- The changing hands of authority and power have impacted the traditional regions of the Kayan.

- A significant group has found refuge on the Thai border in Thailand.

- Core to Thailand's northern tourism product mix is jungle trekking and ethnic culture.

- The long neck sect of the Kayan living in one of the Thai refugee camps has become an important part of northern Thailand's tourism product.

Outcomes

- Autonomy of the Kayan people has been disputed.

- Freedom and human rights of the Kayan is challenged within Mynamar. Limitations as refugees in Thailand has threatened the freedom of the Kayan living there.

- Reported violence and human rights abuses have forcefully displaced Kayan and other indigenous people to areas where their freedoms and basic rights are challenged by refugee-status.

- Tourism has become a means of earning an income.

- Extent to which the long neck village is truly expressing their culture is questionable due to the desired economic contribution of tourism.

Lessons Learned

- Tourism has offered an opportunity to generate an income and express / share the Kayan culture. But, liberties inherent in the development of tourism in one's own community, as well as freedoms of cultural expression are questionable at best.

- Lack of formalized and entrenched treaty leads to ongoing dispute and loss of personal freedoms, autonomy, and ultimately cultural integrity.

The Moken are a nomadic sea culture group who's home is the Mergui Archipelago, some 800 islands scattered along 400 kms of the Andaman Sea between Thailand and Myanmar. The Moken have lived among these islands for over 3,500 years. As divers and beachcombers, they live a subsistence life off the sea taking only what they need each day – fish, mollusks, and sandworms to eat; shells, sea snails, and oysters to barter with the mostly Malay and Chinese traders they encounter. They have traditionally accumulated little, and live on their boats (kabang's) for up to nine months a year, moving to land only during the Monsoons.

The Moken are expert free divers, capable of remaining beneath the waters surface for extended periods of time. By contracting the irises of their eyes they also have a unique ability to double the accuracy of their underwater vision. In the past, Pearl farmers used the Moken's diving skills to collect the rare gold lipped oysters now raised in hatcheries. Moken have also been used for dynamite fishing and for diving to lower depths in search of sea cucumbers and other ocean life of high value. The result is many cases of decompression sickness. The Moken are regarded by many researchers as apolitical and non violent and pose little threat to others sharing the waters. Still, it is reported that they have been exploited and harassed throughout history by the British, Japanese, Thai, and Burmese alike. They have been stopped to pay taxes, drive away by illegal fishermen, forced to work in mines and on farms, prohibited from vital trading areas, Jailed for lacking permits and they have been subject to other atrocities.

Burma maintained close scrutiny on the Andaman sea during the 1990's due to offshore petroleum discoveries by multinationals. Sea- Gypsies have been reported to have been settled through forced relocation to on-land sites. In the 1980's the Thai government created the Mo Ku Surin National Maritime Park and permanently settled Moken into villages located in the Surin Islands in Phuket province and on the nearby Phi Phi Islands. Moken were no longer allowed to fish for more than sustenance while commercial trawlers harvested the seas. In 2004, the Tsunami decimated coastal villages and sea life has taken years to return and remains severely depleted. In 2010 the Thai cabinet passed a resolution setting out a policy to protect their way of life but it is claimed this has made little difference. While there is no official policy of assimilation, Moken are taught Thai language and history in the schools and not their own history and Austronesian language. Continued tourist development in the Phuket region raises land values and costs of living and the Moken struggle to maintain their culture, heritage, and way of life.

Critical Factors

- During the 1990's the Andaman sea became increasingly important from a commercial perspective for both commercial trawling and for petroleum discoveries.

- Moken were re-settled to land based villages in national park areas during the 1980's and 1990's.

- Economic opportunity for the Moken shifted from subsistence fishing and minor surplus for trade to pearl fishing to dynamite fishing and deep dive harvesting. Each of these have increased danger for the Moken in their pursuit of economic survival.

- The 2004 Tsunami destroyed food supplies and negatively impacted Moken's ability to harvest food for sustenance.

- Re-settlement of Moken communities to National Parks has limited economic and cultural freedoms of the Moken.

- The 2004 Indian Ocean tsunami have impacted the traditional fishing territories and practices of the Moken.

- Thailand government policy to modernize the Moken through tourism.

- Low education levels and prejudiced views of the Moken have challenged their ability to engage in society and economic activity.

Outcomes

- The Moken have suffered in their ability to be free and equal to others by forced resettlement and as a result their culture is under severe threat.

- Some researchers suggest that corralling the Moken into national park villages has transitioned a nomadic community into a tourist commodity.

- The Moken have limited, if any, opportunity for self governance. They do not have any distinct and formal political, legal, or economic institutions.

- The Moken are not consulted and do not participate in decision making on matters that affect their rights and freedoms as illustrated by re-settlement procedures, plus they have no input to stewardship of the declining quality of aquatic resources of the area.

- They are offered limited opportunity for self determination by having their capacity to trade and to grow economically limited by policy.

- They are not provided the opportunity to enrich their language in the school systems.

- Despite the hardship of their traditional culture, many Moken are reported as being satisfied with island life existence, and others too have moved to mainland Thailand to pursue other economic livelihoods. It is reported that many have very strong attachment to the islands and their lifestyle despite its challenge.

Lessons Learned

- By not allowing Moken to dive and gather food supplies for sustenance and trade as they had done for generations, The Mokens have faced many human rights infractions or violations. These include that they have been denied their their autonomy, freedoms, and capacity for economic development.

- Despite existing in a specific region for thousands of years, as an ocean-based nomadic cultural group the Moken do not have any terrestrial traditional territory to claim and identify as their own. This has created challenges for the Moken to claim territory and establish jurisdiction. As a result they have been shifted and resettled as the waterways they claimed principally as their home have become under increased threat and stress from various users.

Tulalip Tribes (USA)

Core Themes: Autonomy · Self Governance · Community Economic Development · Cultural Identity & Expression

The Tulalip Tribes is a federally recognized Indian tribe located on the Tulalip Reservation in the mid-Puget Sound in Washington State, USA. The Federal Government recognizes the Tulalip Tribes as a sovereign Indian Tribe operating under a Tribal Constitution. This status as a sovereign entity includes the inherent right as a government to raise revenue for their community.

The Tulalip Tribes were impacted by residential school policies and practices from the late 1800's to the 1930's. Tulalip Tribes have made conscious and concerted effort to rebuild their language, culture, and community.

The Tulalip Tribes is the first and only to establish a federally recognized city to diversify its financial interests and promote economic activity. In 2001 Quil Ceda Village was formally recognized as a tribally chartered city – the first of its kind in the United States. Within ten years Quil Ceda Village has become a massive retail and hotel resort enterprise area, including two resort casinos. The main casino features a 270 room AAA four diamond certified resort hotel with an attached Class III casino featuring 200,000 square foot

gaming floor, over 2000 slots, 50 tables, and 8 restaurants. The Quil Ceda Village economic development zone now attracts around 6 million visitors a year, and generates $720 million in annual revenues. Approximately $26 million is provided in annual state sales tax collections. The Hibulb Cultural Centre and Natural History preserve are cultural attractions augmenting the Tulalip cultural experience and adding to the economic diversity.

Critical Factors

- Land was expropriated from the Tulalip Tribes in the early 1800's and the community was severely and negatively impacted through residential schooling.

- Ultimately The Tulalip Tribes were granted significant levels of autonomy on reserve lands through land treaty settlement and municipal designation.

- Major investments were made in tourism infrastructure (i.e. retail outlets, hotels, casinos, cultural/historical attractions).

- Location of the Tulalip Tribes afforded access to major tourism markets.

Outcomes

- Legacies of colonialism and the residential schools remain in the social conditions of he community.

- Over the last 20 years, Tulalip Tribes have seen a profound economic surge that is the result of the community exercising freedoms and re-asserting their rights as individuals.

- Tribal management is effective and professional and tribal leaders are active, engaged and respected within the broader indigenous community.

- Tribal heritage is showcased with pride in the casino resort and they have also invested in the Hibulb cultural centre to showcase their history to travellers, students, and other communities.

- Currently their investments are tied directly to consumerism and gambling.

- The Quil Ceda municipal government administered by Tulalip has broad governing authority with powers similar to those of any non-Indian municipality.

- The Tulalip Tribes are self-motivated, self-oriented, autonomous in their decision making and highly empowered.

- Quil Ceda Village attractions have become hugely popular and highly profitable.

- Economic success has benefited primarily the Tulalip Tribes community. Minimal economic benefit reaches the surrounding non-tribal communities.

- Cultural expression can be seen in the Tribal developments.

- Community-led community development has seen the reemergence of the Lushootseed native language in area schools.

Lessons Learned

- Government policies and legislation – notably the Gaming Act can have a profound impact on the economic fortunes and social outcomes for an indigenous community. For Tulalip this has brought considerable economic benefit that has been reinvested in the community and in cultural regeneration in positive ways.

- Although the economic benefits to Tulalip have been significant they are still tied to the economic prosperity of the broader economy of the society in which they reside. In their case, their prosperity is tied to consumerism and gambling of a principally USA and Canada non indigenous market base.

- While Casino resorts may not have a positive impression because of the connection to consumerism, self gratification, and addiction, Tulalips have managed to create a Casino Resort of high quality with strong cultural representation of their nation in many facets of the operation and infrastructure.

Inuvik and Western Arctic, Canada

Inuvik is a small town of less then 4000 people but still the third largest community in Canada's North-west Territories (approximate population: 9000). It is the region's major commercial and administrative centre. Inuvik is home to two distinct Inuit groups (the Inuvialuit and the Gwich'in groups). Traditionally, these tribes crafted skin covered boats as well as dogsleds to facilitate their mobile seal hunting camps. Ample hunting and fishing opportunities allowed the Inuit to thrive in the harsh arctic climate. Climate change and melting ice cover has forced the Inuit groups to face difficult decisions as their traditional way of life is threatened and new economic opportunities present themselves.

Within the last two decades two critical agreements – the Inuvialuit Final Agreement and the Gwich'in Comprehensive Land Claim Agreement – have been critical in establishing the sovereignty of the Inuit groups. Two primary corporations have been set up by the community to manage economic and resource interests resulting from the land claim agreements. Economic activities have focused on resource extraction.

Big game hunting and fishing products have popularized tourism in the region. Wilderness experiences such as those involving the polar bear, aurora borealis and the ice roads have also been important to tourism. Indigenous tourism activities tend to focus on the traditional Inuit practices of dogsledding, hunting, Inuit Games, the Great Northern Arts Festival and visiting whaling and seal hunting camps. Still, access and a gap in individual tourism capacity impact development of the industry.

Critical Factors

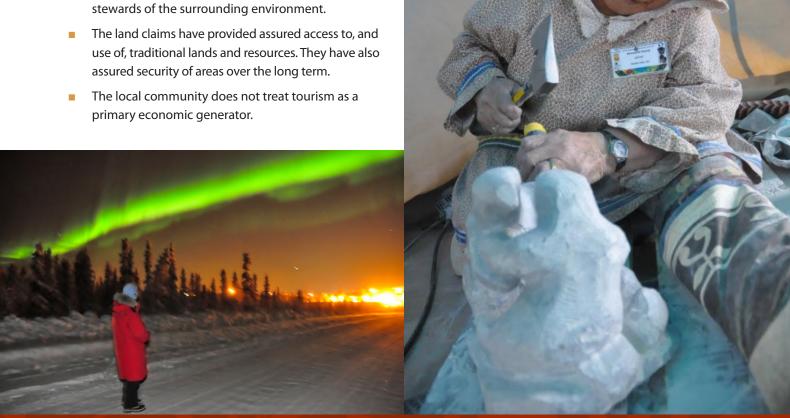- Location and accessibility of the region comes with significant challenges related to distance and climate.

- Impacts of climate change are present in the region (i.e. warmer temperatures and melting sea ice).

- Region is resource-rich, however resource extraction industries are not related to traditional economic activities.

- Land agreements have given Inuit groups high degrees of autonomy.

Outcomes

- This region is unique on the topic of self-governance, as implementation of co-management regimes has embedded indigenous government in economic and social matters but through co-management rather than autonomous management or control. The outcome and perhaps trade-off is that indigenous control now extends well beyond what would have been the normal scope of influence were co-management structures not implemented as part of the comprehensive land claim agreements, but there is reduced tribal authority for decisions of interest on a local level.

- For the most part, the culture of the Inuvialuit and Gwitch'in is strong but their lifestyles have changed significantly. They are an essential part of a modern resource development economy.

- Traditional way of life (hunting and fishing) has been impacted by climate change and communities have had to enter the formal economy to survive.

- Indigenous tourism has certain challenges due to the loss of traditional practices and traditional landscape.

- Inuit currently self govern natural and cultural resources. The community has in effect become stewards of the surrounding environment.

- The land claims have provided assured access to, and use of, traditional lands and resources. They have also assured security of areas over the long term.

- The local community does not treat tourism as a primary economic generator.

Lessons Learned

- The Inuvik and Western Arctic case study highlights that co-management based agreements can result in very effective cooperation among indigenous and non-indigenous groups over resource management.

- Co-management structures, where complex, can lead to a heavily administered governance model that does not necessarily produce strong commercial activities and outcomes.

- Tourism can benefit from protection of operating environments through treaty however commercial value of natural resource extraction can easily outweigh the benefits that small scale tourism activities have the potential to generate.

Osoyoos (Nk'Mip) First Nation (Canada)

Core Themes: Identity · Economic Development · Self Governance

The Osoyoos (Nk'Mip) Indian Band (OIB) is part of the Okanagan First Nation located in the interior of British Columbia. The Band was formed in 1877 and is home to about 400 on-reserve band members.

Okanagan First Nations once travelled widely to fishing, gathering and hunting areas. Each year, the first harvests of roots, berries, fish and game were celebrated by ceremonies honouring the food chiefs who provided for the people. During the winter, people returned to permanent winter villages.

Just 40 years ago, the OIB was bankrupt and living off government social assistance. In 1988 it sought to turn the tide on this history and created the Osoyoos Indian Band Development Corporation (OIBDC). Through positive leadership and initiative the band has been able to develop agriculture, eco-tourism, commercial, industrial, and residential developments on its 32,200 acre reserve lands. The OIB is located in one of Canada's premier agricultural and tourism regions, however it has also taken a determined and well crafted effort to become a stand out example of indigenous economic success. The band employs hundreds of people and has annual revenues of around $26-million. The Band places emphasis on education and training and operates its own businesses, health, social, educational and municipal services and now has virtually no unemployment and has financial independence.

Tourism is a large element of OIBDC's portfolio. Businesses include: the Spirit Ridge Vineyard Resort & Spa, the Nk'Mip Desert Cultural Centre, the Nk'Mip Campground & RV Resort, as well as Nk'Mip Cellars. Site preparation is also underway for the Canyon Desert Resort the Nk'Mip Canyon Desert Golf Course. The area attracts about 400,000 visitors per year, and at peak tourist season, most of the band are employed in tourism.

Critical Factors

- Negative legacies of colonialism and residential schooling existed for Osoyoos.

- Location and climate provides ample opportunities (i.e. fertile soil, long warm summers, access to sizable markets).

- Establishment of a community economic development corporation separated business from governance with focus on strategic economic goals.

- Development of a diverse product mix based on natural and cultural community assets helped build economic resilience.

- Education and training programs are key components of building a strong community and positive futures for band members.

Outcomes

- Community corporation has successfully managed resources to create new products.

- Self-governed economic portfolio has been profitable and has provided full employment in the region.

- Community and municipal services are managed by the Band ensuring strong levels of autonomy in governance.

- The Nk'Mip brand has gained global recognition for quality and distinctiveness.

Lessons Learned

- While Osoyoos suffered many similar negative impacts on social and economic wellbeing through land expropriation and residential schooling as other nations, they made a conscious decision to reduce dependency and assert their autonomy.

- Strong internal leadership is critical to overcoming conditions that contribute to human rights infractions.

South Pacific, Australia, and New Zealand Region

Gunya Titjikala (Australia)

Core Themes: **Identity · Community Economic Development · Cultural Expression**

The Gunya Titjikala enterprise is a unique community tourism partnership between the Titjikala Aboriginal community and Gunya Tourism Pty Ltd located in central Australia. The Gunya Titjikala facilities are located near the Titjikala Aboriginal community located 120 km south of Alice Springs, Northern Territory on the edge of the Simpson Desert. Targeted at the luxury traveller, guests stay in five deluxe safari tents (twin share) that are promoted as 'the ultimate authentic indigenous experience'. This model ensures maximum profits with minimum impacts on the local community and natural environment. In operation since 2004, Gunya Titjikala is based on equity, with 50% community ownership in capital, profits and management committee seats.

The story of Gunya Titjikala began with an entrepreneur, Mark Provost, searching Australia back in the late 1990's for authentic indigenous tourism and not being able to find any. At the time, aboriginal communities were difficult to access. Provost worked with the community because social and economic conditions were dire and there was a desire for change. The elders and community saw benefit in the partnership to provide jobs and preserve culture and tradition. Now, the community has employment, youth are attending school, and tourist pay a premium ($1,300 per night) for an authentic tent stay in the desert.

The Tapatjatjaka Community Government Council (TCGC) is the chief representative body for the Titjikala Aboriginal community. In 2005, the TCGC recognized 350 people residing in the Titjikala community, of which the majority belonged to the Arrente, Luritja and Pitjantjara clans. It is a young community demographic suffering from many of the same socio-economic detriments and disparities found throughout indigenous Australia.

The business model proposed for Gunya Titjikala aimed to build capacity and create employment in remote indigenous communities. During inception no government support or funding was received and financial capital was solely raised through corporate philanthropy. The joint venture agreement is based on its founding principle of Ngapartji-Ngapartji: 'we are in this together'. It is described as fluid and flexible, with roles and responsibilities roughly divvied up so that the Titjikala community supplies the land, labour and culture and Gunya Tourism the initial capital, expertise and marketing.

Challenges in terms of capacity, skills shortages, and differing values were offset by strengths inherent in the product and resiliency of the community. Strong leadership was also a key factor in Gunya Titjikala's development.

In regard to the direction of Gunya Titjikala, all initiators and key stakeholders identified Titjikala economic independence in the 'real' economy as the fundamental goal of the enterprise. This involves breaking the community's reliance on government and networking and engaging with other third party partners; effectively decolonizing indigenous governance by shifting power to the community and unhinging dependency. Today, locals are working in food services, house cleaning, and as guides. Despite the variability and seasonality of the business, the Titjikala community have maintained that the Gunya Titikala has benefitted the community culturally, socially and economically.

Critical Factors

- Identification of opportunity for an authentic indigenous cultural tourism experience that would bring financial benefits for the investor and the community.

- Meaningful and culturally appropriate consultation (over six months) for the implementation of the project.

- A private sector driven project with social benefit (social enterprise).

- The investor chose the project for the challenge it presented noting that if successful it could be implemented elsewhere.

- Power relations were diffused amongst stakeholders through discussion, negotiation, and focus on the outcomes of the project.

Outcomes

- Employment and capacity building through implementation of culturally aligned skills based accredited training programs in the community.

- Considerable pride for the Titjikala community through the success of the venture and the benefits it has brought the community.

- Mutually beneficial partnership for the community and for the investor (Gunya Tourism) in terms of financial gain, positive recognition, rewarding mutual investment.

- Decisions are reached through a joint management committee of the tourism company and the community.

- There is mutual understanding amongst visitors and hosts of perspectives and values toward lifestyle and behavior.

Lessons Learned

- Vision and determination can result in productive partnerships between indigenous communities and non-indigenous investors.

- Consciousness and fulfillment of principles of human rights can provide for a sound business and investment strategy in partnership endeavors.

- Social enterprise models may provide a foundation to fulfill human rights principles in business development.

- Capacity building through implementation of appropriate skills based training can lead to varied and productive community outcomes.

Department of Conservation: Parks Co-Management (New Zealand)

Core Themes: Identity · Governance · Resource Management · Partnerships

The Department of Conservation (DOC) is the leading central government agency responsible for the conservation of New Zealand's natural and historic heritage. Its legislative mandate is the Conservation Act 1987 and other key statutes such as the National Parks Act 1980 and Reserves Act 1977. Like other New Zealand government departments, the Department of Conservation has the responsibility to advise Ministers and the Government and to implement government policy.

The Department has a particular responsibility under section 4 of the Conservation Act to interpret and administer the Act as to give effect to the principles of the Treaty of Waitangi. This involves building and supporting effective conservation partnerships with Indigenous groups at the local level. Conservation management and the work of the Department are characterized by a high level of public input. Conservation is based on societal support, and on the concept that conservation land is the common heritage of all New Zealanders. As such, conservation land is public land. These principles are inherent in all conservation legislation. This legislation also establishes a hierarchy of conservation

photo by Broddi Sigurðarson

boards and the New Zealand Conservation Authority, an independent body appointed by the Minister. The Authority has powers to approve formal management plans binding the Department and also serves to advise the Minister.

The Destination Marketing Framework (DMF) is a non-statutory guideline for how DOC will plan for and manage destinations under its control throughout New Zealand. It lays out how it will work with partners such as Indigenous Maori groups, the tourism industry and other stakeholders to achieve tourism and recreation outcomes. The DMF focuses on increasing the participation of Indigenous people in recreation and tourism and in protecting historic heritage in partnership with Indigenous groups and other stakeholders.

The integrated management of places is a key focus, and will ensure that visitor access is consistent with the conservation of natural and historic resources. The DMFs are created using input from a variety of stakeholders. The collaborative process used to develop the DMFs helps ensure that issues concerning conservation, economic, cultural, and local community development are heard and addressed.

Of interest to this case is how the Maori communities have participated in tourism development and partnerships of public/private lands. The question (in relation to this report) is how has this process built upon the Maori's abilities to further their cultural development? Has the participatory process allowed the Maori to become authors of their own cultural programs/development in the region?

Critical Factors

- The Treaty of Waitangi, signed in 1840, provided a foundation to build a relationship between colonizers and the indigenous Maori society.
- Principles of the treaty were not honoured which led to the formation of the Waitangi claims tribunal.
- The Treaty provided a foundation for Maori Human Rights and a document to form a shared society of indigenous and non-indigenous people.
- New Zealand has positively sought to improve human rights conditions and implemented broad UN recommendations achieving international acclaim.

- There has been a strong relationship between Maori and the NZ Government over tourism for many years with Maori culture featuring prominently in marketing and product development.
- The economic restructuring of the 1980's and 1990's in NZ led to legislative requirement to safeguard outstanding claims, resulting in significant settlement of grievances and inclusion of Maori in land management procedures – notably National Park management.

Outcomes

- The status of the DMF is "subservient" to and must comply with the Conservation Act and National Parks Acts that commit DOC to respecting the rights of Tangata Whenua. However, the DMF itself is largely silent on the rights of Indigenous groups.
- More explicit reference to the rights of Indigenous groups in the DMF would better reflect the actual process that DOC is now deploying in engaging with Indigenous groups in a number of regions of the country.
- Maori representation in the DMF is guided by outcomes of the treaty process and as such where treaties are not settled, Maori inclusion in DMF's is limited.
- Maori participation in the tourism industry overall has risen steadily and cultural expression is a cornerstone of the New Zealand tourism brand.

Lessons Learned

- New Zealand provides a strong example of meaningful and formalized consultation that protects indigenous human rights in indigenous tourism.
- While consultation, participation, and related principles exist in New Zealand over management of the conservation estate, participation, at least in the cases of the DMF, is secondary to treaty settlement.

Lessons Learned From Case Studies

The case studies reviewed offer a variety of critical factors that have led to positive and negative outcomes, and produced a wide array of lessons. To build upon the Larrakia Declaration, key outcomes and lessons from these case studies are captured in core aspects of the Declaration principles as follows:

Respect

- Respect for indigenous human rights in tourism contexts are demonstrated where treaties have been formed (New Zealand, Inuvik, Tulalip) and through respectful business partnerships (Gunya Titjikala, Osoyoos). Respect is also demonstrated where there is strong leadership and a clear desire to escape dependency (Osoyoos, Tulalip).

- Disrespect of indigenous groups is evident when there is a lack of terrestrial identity and/or communities are displaced (Moken, Kayan, Black Hmong).

Protection

- Indigenous culture is promoted where there is recognition of cultural value in economic terms (Gunya Titjikala, Tulalip, Kayan).

- Indigenous culture is protected and promoted where it has greater intrinsic value to community and even nation building for both indigenous and non-indigenous people (New Zealand, Osoyoos).

- Indigenous culture is not protected or promoted widely where there is limited perceived economic or intrinsic value (Moken).

Empowerment

- Indigenous people have become empowered and created effective tourism outcomes through meaningful co-management structures for economic development (Gunya Titjikala, Osoyoos, Tulalip), plus resource management and conservation (Inuvik, New Zealand).

- Where indigenous people lack capacity to create institutional structures they have struggled to create meaningful tourism, and human rights infractions continue (Moken, Kayan, Black Hmong).

- Where power relations are re-evaluated between indigenous and non-indigenous people, and the skills and resources of each are recognized and utilized, positive mutual benefits have resulted (Gunya Titjikala, Osoyoos, New Zealand).

Consultation

- Where meaningful consultation has occurred, meaningful tourism outcomes have resulted (Gunya Titjikala, Inuvik, New Zealand). These outcomes are manifest in pride, economic well-being, capacity development, and stewardship.

- Consultation limited to selected stakeholders may not bring a wide array of benefits to all communities affected by tourism development (Tulalip).

- Many Indigenous groups still strive for recognition despite a lack of meaningful consultation for economic well-being and to maintain cultural pride and identity (Black Hmong).

- No or limited consultation results in on-going weak (Moken) and/or tainted tourism enterprises (Kayan).

- Lack of territorial presence impacts the desire or commitment of governments to consult which negatively impacts tourism outcomes (Moken, Kayan).

Business Development

- Sustainable and equitable tourism business partnerships have resulted from the combination of vision, dedication and leadership (Gunya Titjikala, Osoyoos, Tulalip).

- The sustainability of business investments may be dependent on the economic prosperity of the non-indigenous market (Osoyoos, Tulalip, Gunya Titjikala). Location is often key.

- Social enterprise models provide a foundation to fulfill human rights principles in business development (Gunya Titjikala, Black Hmong).

Community Development

- Community prosperity and resilience is enhanced where capacity building is a key component of tourism development (Gunya Titjikala, Osoyoos, Tulalip, Black Hmong).

- Equitable partnerships form where genuine desire to learn and share is a central motivation of the partnership (Gunya Titjikala).

- A desire to regain lost or diminished pride or recognition can be motivation for successful community outcomes (Tulalip, Osoyoos).

11 Guidelines for the Development of Indigenous Tourism that Protects Human Rights

This report has provided the context for upholding human rights–as growing numbers of communities explore, develop or expand Indigenous cultural tourism offerings.

It has presented an historical overview of progress made in this area, introduced readers to instruments that have evolved over the last decade, and through a case study approach, prepared the set of goals and practical guidelines in this section. These are intended to provide equal value for Indigenous community leaders, business owners, governments, and NGO's with responsibilities in this area.

Indigenous Tourism Goals

There is an increasing awareness in the industry that to create culturally authentic experiences for travellers, protection of human rights is essential. Those involved in Indigenous tourism should consider these human-rights related goals:

- Recognition, respect, and appreciation for Indigenous cultures.
- Differentiation, authenticity and enrichment of visitor experiences.
- Appreciation and revitalization of traditional knowledge, cultures and practices.
- Catalyst for building Indigenous knowledge, and intergenerational stewardship of cultural & natural resources.
- Revitalization and/or strengthening of language, pride, identity, self determination.
- Contribution to community health, development and governance.
- Economic foundation for negotiations, partnership building, co-management, conventions & agreements.
- Economic context for human resource capacity, entrepreneurship and investment.
- Sharing, mutual learning, identity strengthening, societal gain, and economic tool for poverty alleviation.

Tourism Development and Indigenous Human Rights: The Checklists

✓ WINTA and PATA have a common goal of fostering tourism development consistent with the principles of the Larrakia Declaration. With the aforementioned goals of indigenous tourism in mind, PATA and WINTA therefore encourage use of the following checklists. These can serve as practical tools to:

- ☐ Guide initial discussions to build trust, awareness, and respect for Indigenous and human rights.
- ☐ Use as a planning framework tool for business development with increased cooperation amongst all stakeholders.
- ☐ Support Indigenous tourism activities to provide culturally authentic experiences and implementation.

The checklists are built upon core aspects of the Larrakia framework used to identify lessons learned from Case Studies (p 60). They also identify the relevance to four stakeholder groups: the indigenous communities, private sector tourism developers (working with or from indigenous communities), public sector authorities at a local or national level that govern tourism, and non-government agencies that advocate or support responsible tourism development with indigenous peoples. The checklists are not exhaustive but seek to establish a broad foundation upon which to review the engagement of indigenous peoples and tourism activities and initiatives in any relevant setting.

As demonstrated in the checklists that follow each stakeholder group have critical roles to play. Indigenous communities agreeing/seeking to engage with tourism must be prepared to share information and perspectives with other stakeholders for effective tourism business partnerships and related community benefits. Tourism operators have a responsibility to understand, respect and engage locals at a business development and operations level and a community level. The public sector has a responsibility to understand, consult, protect, and provide infrastructure and services to support responsible tourism. NGO's (depending on their function) have an important role to play in generating understanding, building capacity, raising awareness, and supporting appropriate development, notably at a community level. When each of the four stakeholder groups encourage adherence to the checklists, positive outcomes will result and human rights infractions on indigenous peoples will be avoided and hopefully mitigated.

1 Respect

Larrakia Declaration Principle

Respect for customary law and lore, land and water, traditional knowledge, traditional cultural expressions, cultural heritage that will underpin all tourism decisions.

UNDRIP Related Articles: ■ Not to be subjected to forced assimilation or destruction of culture ■ Full enjoyment, as a collective or as individual ■ Free and equal to all other peoples and individuals ■ Liberty and security of person	Community	Operators	Public Sector	NGOs
☐ Have all participants read the Larrakia Declaration principles and committed to supporting these as a guide to local Indigenous tourism development?	●	●	●	●
☐ Has a written agreement been prepared and signed referencing the Larrakia principles, and stating what the community and partners expect from each other?	●	●	●	
☐ Does the product, activity or experience represent local customs and culture accurately?		●		
☐ Are community traditions and protocols made available to visitors before they arrive?	●	●		
☐ Are there guidelines in place to control the real or perceived invasion of household and individual privacy created by community visitors (e.g. unwanted attention to daily routines from visitors etc.)?		●		
☐ Have treaties or other protection of rights agreements been formed?	●		●	
☐ Has the traditional territory of the indigenous group been clearly identified, mapped, or documented?	●		●	
☐ Have parties seeking to partner with the indigenous community completed due diligence to understand the historical grievances that still require resolution/ addressing from the community's viewpoint?	●	●	●	
☐ Is there a prior, mutually agreeable process between the developer and the community to address grievances that arise during collaborative projects?	●	●	●	

Larrakia Declaration Principle

Indigenous culture and the land and waters on which it is based, will be protected and promoted through well-managed tourism practices and appropriate interpretation.

UNDRIP Related Articles:	Community	Operators	Public Sector	NGOs
■ Practice and revitalize cultural traditions and customs ■ Revitalize, use, develop and transmit to future generations histories, languages, oral traditions, philosophies, writing systems and literatures ■ Maintain, control, protect and develop cultural heritage, traditional knowledge and traditional cultural expressions ■ The right to lands and resources traditionally used ■ The right to conserve and protect lands, territories and resources				
☐ Have the appropriate steps been taken to ensure that culturally sensitive activities and places are protected from visitors and others?	●		●	
☐ Is land title, ownership of resources and cultural capital understood and respected?	●	●	●	●
☐ Is freedom of spiritual and religious practices and ceremonies protected?	●	●	●	●
☐ Are sacred sites protected and their meaning presented appropriately to visitors?	●	●	●	●
☐ Are cultural sites "off-limits" to visitors clearly understood and respected?	●	●		
☐ Does the Indigenous tourism activity support the preservation of traditional medicines, animals and minerals?	●	●	●	●
☐ How are historical events being portrayed, are they from a local perspective?	●	●	●	●
☐ Does the Indigenous tourism development contribute to strengthening and revitalizing community culture and language?	●	●	●	●
☐ Is there a clear policy structure to allow for the reporting of any human rights infractions?	●	●	●	●
☐ Do all parties have reasonable access to legal counsel over issues related land access, resources, culture etc.?	●	●	●	●
☐ Have intrinsic values of the culture to the region, nation, or other wider jurisdiction been articulated and acknowledged by residents and citizens?	●			●

3 Empowerment

Larrakia Declaration Principle

Indigenous peoples will determine the extent and nature and organizational arrangements for their participation in tourism and that governments and multilateral agencies will support the empowerment of Indigenous people.

UNDRIP Related Articles: ■ Autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions ■ Maintain and develop political, economic and social systems or institutions ■ Self determination–freely determine their political status and economic, social and cultural development	Community	Operators	Public Sector	NGOs
☐ Is there effective co-management of lands and resources that represents indigenous interests for related protection and/or use?			●	●
☐ Do relevant tourism organizations have clear representation of the indigenous community?	●	●		
☐ Do tourism organizations accurately and respectfully represent indigenous community interests in advocacy, promotion and other relevant forms of representation?	●	●	●	●
☐ Is the Indigenous community actively participating in community tourism planning and related management?	●	●	●	

4 Consultation

Larrakia Declaration Principle That governments' have a duty to consult and accommodate Indigenous peoples before undertaking decisions on public policy and programs designed to foster the development of Indigenous tourism.	Community	Operators	Public Sector	NGOs
UNDRIP Related Articles: ■ Participation in decision-making in matters which would affect rights				
☐ Has agreement been reached between government and community on how consultations would be undertaken?	●		●	
☐ Are the methods of information communication used in the consultation process appropriate for all parties?	●	●	●	
☐ Is the communication process between the community and the business and/or government partners clear and accepted by all?	●	●	●	
☐ Are interpreters and translators provided as and when needed in consultative processes?		●	●	
☐ Are community protocols understood and being followed by all parties throughout the consultative processes?	●	●	●	
☐ Has an accurate analysis of all relevant stakeholders been conducted?	●	●	●	
☐ Has consultation occurred through an agreed upon and transparent framework?	●	●	●	
☐ Has consultation meaningfully identified and considered relevant issues and concerns?	●	●	●	
☐ Has consultation led to common agreement on outcomes and actions?	●	●	●	
☐ Have all relevant public policies and programs been identified and considered in the consultative process?		●	●	
☐ Has informed consent been obtained for the use of land and resources related to Indigenous tourism where partnership is not appropriate and/or required?		●		
☐ Has informed consent been obtained for the utilization of cultural capital?		●		
☐ Do community members understand the benefits and challenges presented by Indigenous tourism development?	●	●	●	●
☐ Have community elders been involved in a significant way?		●		
☐ Is the community providing meaningful input into any specific business activities related to tourism and is this involvement acceptable to all?	●	●		

5 Business

Larrakia Declaration Principle

The tourism industry will respect Indigenous intellectual property rights, cultures and traditional practices, the need for sustainable and equitable business partnerships and the proper care of the environment and communities that support them.

UNDRIP Related Articles: ■ Determine and develop priorities and strategies for the development or use of lands or territories and other resources	Community	Operators	Public Sector	NGOs
☐ When a new product is being created is the community involved in concept to implementation of the venture?	●	●		
☐ Is the cultural product or service being provided acceptable to members and leaders of the community?	●	●		
☐ If you have a hotel and travel trade partners (tour operators and wholesalers) do they know what cultural information can be shared and are they encouraged to communicate these limitations accurately to their visitors before they visit?	●	●		
☐ Does the business or activity ensure that individual(s), with direct roots to the culture, own and/or participate meaningfully in the business?	●	●		
☐ Is it confirmed with the community and elders that cultural information is accurate and authentic?	●	●		
☐ Will they be, or are local people involved in the production of crafts and the preparation of traditional foods?	●	●		
☐ Has your business undertaken measures to protect, preserve and respect the sensitive cultural activities and places in and around the site?		●		
☐ Can operators demonstrate a clear understanding of why the activities and places are sensitive and are they able to describe the relative significance and reasons for sensitivity?		●		
☐ Are your tourism partners provided with information on the cultural differences of local people and sensitivities in dealing with and working with the local culture, community, and businesses?	●	●		
☐ Are social values as well as economic benefits of tourism business enterprise considered, articulated and implemented?	●	●		

6 Community

Larrakia Declaration Principle

That equitable partnerships between the tourism industry and Indigenous people will include the sharing of cultural awareness and skills development which support the well- being of communities and enable enhancement of individual livelihoods.

UNDRIP Related Articles: ■ Establish and control their educational systems and institutions providing education in own languages ■ Improvement of economic and social conditions	Community	Operators	Public Sector	NGOs
☐ Are guests provided with an outline of what to expect from their cultural experience? Does this include an outline of acceptable behaviour and etiquette while at the facility or site?	●	●	●	●
☐ Will Indigenous people hold all or most management positions from the culture being shared?	●	●		
☐ Is there real and respectful opportunity for visitors to interact with local indigenous people during the cultural tourism experience?	●	●		●
☐ Does the Indigenous tourism activity or business reflect the values of the community?	●	●	●	●
☐ Does the Indigenous tourism activity create more community capacity, through opportunities for tourism training and/or related vocational training?	●			●
☐ Does the Indigenous tourism activity contribute to a general increase in community household income and living standards?	●		●	●
☐ Does the activity contribute to improved infrastructure that is of benefit to the community (eg sanitation, utilities, facilities etc.)?	●		●	●
☐ Does the activity contribute to community health improvement?			●	●
☐ Does the activity contribute to greater access to public education?			●	●
☐ Does the Indigenous tourism activity avoid the economic exploitation of children?		●	●	●
☐ Does it contribute to protecting the freedom of spirit and activity for children in the community?		●	●	●
☐ Does the activity contribute to levels of influence and authority of women and changes over time (related to emergence of tourism economy)?		●	●	●
☐ Do the employment opportunities contribute to community self-determination?	●	●	●	●
☐ Does the Indigenous tourism activity provide a range of meaningful job opportunities, with appropriate compensation and reward?		●		
☐ Is there appropriate employment protection where relevant in the community such as employment standards?		●	●	

Notes

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photo by Chris Carnovale