HUMAN RIGHTS IMPACT ASSESSMENT THAILAND & MYANMAR

A value-chain-focused human rights impact assessment conducted by the Roundtable Human Rights in Tourism e. V.

Disclaimer

The focus of this assessment is on a typical tour operator's value chain in Thailand and Myanmar and does not constitute a sector-wide impact assessment. It constitutes a snapshot of the current situation at the time of the on-site assessment with a limited scope. Besides the information gathered through existing documentation and the desk review, the findings are mainly based on the evidence and perspectives gathered through pre-consultations and during the on-site consultations with the various stakeholders. The assessment is based on qualitative research and anonymity was granted to the stakeholders consulted.
The Roundtable Human Rights in Tourism (RT) is solely responsible for the content of this publication; the positions presented here do not represent the positions of the Swiss Federal Department of Foreign Affairs (FDFA) or the BMZ.

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EXECUTIVE SUMMARY

This report summarizes the key findings of the value-chain-focused human rights impact assessment (HRIA) conducted in Thailand and in Myanmar from a European tour operator's (TO) perspective in September 2019. It provides ideas for concrete measures for European TOs to enhance the positive and mitigate the negative impacts of their touristic activities on human rights in the two countries and identifies lessons for TOs conducting further HRIAs in line with the UN Guiding Principles on Business and Human Rights (UNGPs).

This project is an important step for the Roundtable Human Rights in Tourism (RT) to develop good practices and set precedents. The results and methodology applied provide the RT members and TOs in general with practical guidance that has been developed in parallel in the form of the **Get Started tool**[2] available online.

An HRIA helps tourism companies to realize their responsibilities to respect human rights, enhance their understanding of how their activities and operations affect the human rights of various stakeholders and help to mitigate and manage risks.

Objectives

The overall objectives of this assessment were to:

° Conduct an exemplary value-chain-focused HRIA applying a multi-stakeholder approach and develop potential follow-up measures from the perspective of European TOs;

° Test the HRIA methodology of the RT's **Get Started tool**[3], provide practical input for its development and gain experience on how to conduct HRIAs and take appropriate follow-up measures as a typical European member of the RT;

° Provide the TOs with a more precise understanding of the human rights context of their operations and business relationships in the two countries;

The outcomes of the project should enable tourism businesses to assess human rights impacts along their value chain.

Key findings

The following key issue areas were identified in the context of the assessment regarding the TO's tourism value chains in Thailand and Myanmar. Based on the consultations and the TO's ability to influence, a specific level of severity and leverage was defined for each issue area.

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2   RT: HRIA tool.
3   Ibid.

Thailand

Economic inclusion

Tourism contributes to economic growth and in many Thai communities in the research area the economic value of tourism is perceived positively as it could increase people's income and enhance their livelihood. People are largely dependent on income from tourism in the researched areas where it is a significant contributor to household economies. A lack of back-ward linkages was observed and the increase in an all-inclusive concept in beach destinations is reinforcing this issue.

Severity: **medium**
Leverage: **high**

Loss of cultural identity

The rich culture associated with the people and their traditions is the main reason for tourists to come to Thailand. The communities consulted and visited have a positive attitude towards tourism and are welcoming tourists who visit their villages. At the same time, they feel "cultur-ally exploited" without benefiting economically. The biggest perceived negative impacts are related to concerns of "cultural degradation" and inappropriate behaviour by tourists which leads to changing morals and ways of living which do not belong to the traditional local cultures.

Severity: **medium**
Leverage: **medium–high**

Working conditions

The working conditions and employee satisfaction varied significantly between the hotels and lodges visited. Working conditions are generally acceptable in the formal sector including for migrant workers in the value chain assessed. Some hotels visited are outsourcing certain ser-vices such as laundry, carpentry or maintenance. These workers are not directly employed by the hotel and face more difficult working conditions. Working conditions are challenging in the more informal tourism supply chain, e. g. in agriculture, transportation or souvenir production.

Severity: **medium–high**
Leverage: **medium–high**

Environmental impacts

Environmental issues can cause direct impacts on communities in the destination area. The increasing number of tourism businesses increases pressure on natural resources. The main issues raised included water scarcity and lack of waste management. Community members clearly relate the poor availability of potable water and the increase of waste to the tourism industry.

Severity: **medium–low**
Leverage: **medium**

Children's rights

Children are known to be particularly vulnerable to tourism as the impacts are mainly indirect and child labour is not an evident issue within the formal tourism sector in Thailand. National regulations are mostly respected and law enforcement is strict. Employment of children within family businesses, the tourism supply chain and the wider informal sector in travel and tourism is more common and less regulated. Worst forms of child labour exist in the tourism supply chain including sexual exploitation of children in travel and tourism (SECTT).

Severity: **high**
Leverage: **medium**

Sexual harassment and discrimination

For many tourists Thailand is still a "sex destination" and during the assessment, several female workers stated that sexual harassment by tourists is occurring in the workplace. Many members of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community still face a range of forms of discrimination. Attitudes towards LGBTIQ individuals can be somewhat tolerant as long they remain within certain social confines.

Severity: **medium**
Leverage: **medium–low**

Land rights

Communities and in particular indigenous people face challenges with respect to their rights to land. Numerous communities do not have land ownership or formal land titles, even though they have lived on their lands for generations. This situation disrupts indigenous people in the development of their own businesses. There have been cases of conflicts related to areas of land compulsorily acquired for the development of tourism infrastructure without prior and informed consent by the local inhabitants.

Severity: **high**
Leverage: **medium–low**

Myanmar

Children's rights

Children are known to be particularly vulnerable to impacts from tourism. Children's lives in Myanmar can be affected by tourism in different ways such as child labour in souvenir selling instead of school attendance, child begging or pictures of local children inappropriately used for tourism marketing purposes. It is common for tourists to visit projects involving children or schools, which – especially in the case of monastery schools – sometimes includes orphans. According to child rights organisations, sexual exploitation of children in tourism is still present in the Burmese tourism industry.

Severity: **medium**
Leverage: **high**

Economic inclusion

The potential for economic inclusion is particularly high in the Burmese tourism industry. Compared to other sectors such as mining, it is relatively easy for members of local communities to participate and get their share from tourism. The high level of informality in the sector allows people with entrepreneurial spirit to create their own business and benefit from tourism without high administrative or tax burdens – while at the same time their vulnerability is high.

Severity: **medium**
Leverage: **high**

Protection of cultural heritage

Tangible and intangible cultural heritage is the main reason that tourists come to Myanmar and therefore it is considered as a key asset for tourism development in the country. Besides culturally inappropriate tourism-related activities and disrespectful behaviour by tourists, at the forefront of the conversations have been various issues related to the recent nomination of Bagan as UNESCO World Heritage site as well as how tourism can positively contribute to the protection of cultural heritage. Concerns are high that once destroyed, cultural heritage cannot be restored.

Severity: **high**
Leverage: **medium–high**

Environmental impacts

Tourism in Myanmar is affecting the environment in many ways and might lead to a loss of livelihood for local inhabitants (e.g. overfishing and pollution of Inle Lake impacting fishermen's income). Due to the lack of environmental and waste (water) management in the destination areas, the arrival of tourists exacerbates the situation.

Severity: **medium**
Leverage: **medium**

Working conditions

Tourism-related workers in general have low wages and they do not have written employment contracts or labour rights protection in Myanmar. Often, they work on a daily basis and they bear their own risks such as fluctuations in tourism numbers, seasonality and insurance.

Severity: **medium**
Leverage: **medium–low**

Lack of tourism governance

Tourism governance is generally weak throughout the country with the risk of leading to mismanagement, destruction of habitat and unequal distribution of benefits from tourism. DMOs are weak or absent and there is a lack of tourism know-how within the ministries involved. The new Myanmar Tourism Law which came into effect in September 2018 allows for more decentralisation with a tourism working committee in every region.

Severity: **medium–high**
Leverage: **low**

Land rights

There have been many cases of conflicts related to areas of land compulsorily and illegally acquired for the development of tourism infrastructure in the past years. While land is often a significant asset for rural communities, they are vulnerable to exploitation and have limited protection or evidence to prove prior land ownership. Concerns have been raised particularly related to corruption and land allocation in Bagan's archaeological zone and its recent nomination as a UNESCO World Heritage site.

Severity: **high**
Leverage: **low**

What tour operators can do

The kinds of measures that can be taken by a TO depend largely on its leverage on a specific impact.[4] The **Get Started tool**[5] provides detailed guidance for TOs on how to define their individual leverage.[6] The table below gives an indication of the types of measures that could be taken by TOs.

Type of measure	Examples
Influencing policy	Advocate for sustainable business practices in business associations at relevant government agencies
Sensitizing / awareness raising	Organise workshops and training to discuss issues and solutions, distribute or develop information material
Foster dialogue	Join Multi-Stakeholder Initiatives (MSI), discuss human rights issues through responsible tourism platforms
Customer information	Develop and distribute information on appropriate behaviour, provide information on how to buy local and support local communities
Inhouse training	Develop training for procurement, sales/marketing, human resources, etc.
Business partner training	Develop training for tour guides, DMCs, hotels, transportation companies, excursion providers, etc.
Product development	Develop products that benefit local communities, promote community-based tourism products and sustainable excursions
Adapting buying practice	Blacklist unethical suppliers, incentivise good practice, adhere to fair pricing practices
Business partner due diligence	Develop and implement supplier code of conduct, conduct regular supplier visits

Table 1: types of measures for TOs

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4   See Figures 6 and 7 for more information on the leverage identified in each issue area in Thailand and Myanmar.
5   RT: HRIA tool.
6   RT: Download: "How to identify a company's ability to influence ('leverage') impacts on human rights?".

ABBREVIATIONS

BHR	Business and Human Rights
CBT	Community-based Tourism
CSO	Civil Society Organisation
DASTA	Designated Areas for Sustainable Tourism Administration
DIHR	Danish Institute for Human Rights
DMC	Destination Management Company
DMO	Destination Management Organisation
ECPAT	End the Sexual Exploitation of Children
FGD	Focus Group Discussion
HRIA	Human Rights Impact Assessment
H&S	Health & Safety
MCRB	Myanmar Centre for Responsible Business
MoTS	Ministry of Tourism and Sports (Thailand)
MoHT	Ministry of Hotels and Tourism (Myanmar)
MoJ	Ministry of Justice
MRTI	Myanmar Responsible Tourism Institute
MSI	Multi-stakeholder Initiative
MTF	Myanmar Tourism Federation
NAP	National Action Plan on Business and Human Rights
NGO	Non-governmental organisation
NHCRT	National Human Rights Commission of Thailand
PATA	Pacific Asian Trade Association
RT	Roundtable Human Rights in Tourism
RTG	Royal Thai Government
SME	Small and Medium Enterprise
SVCA	Social Value Chain Assessment
TAT	Tourism Authority Thailand
THB	Thai Baht
TO	Tour Operator
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNGPs	United Nations Guiding Principles on Business and Human Rights
WTTC	World Travel and Tourism Council

A   INTRODUCTION

Companies in the tourism sector increasingly have to respond to human-rights-related concerns both linked to their operations directly or through their value chains. In this context, the Roundtable Human Rights in Tourism (RT) commissioned focusright ltd. to conduct a value-chain-focused human rights impact assessment (HRIA) in Thailand and in Myanmar from a European tour operator's (TO) perspective. The on-site assessment took place in September 2019, following the requirements of the UN Guiding Principles on Business and Human Rights (UNGPs). This assessment identifies and prioritizes actual and potential human rights impacts, reaches conclusions about those impacts, and makes recommendations to TOs for their mitigation and management.

This report summarizes the key findings of the on-site assessments in Thailand and Myanmar, provides ideas for concrete measures for European TOs to enhance the positive and mitigate the negative impacts of their touristic activities on human rights in the two countries and identifies lessons for TOs conducting further HRIAs.

Objectives

The RT supports tourism businesses to embed human rights considerations across their activities, operations and relationships. This project is an important step for the RT to develop good practices and set precedents. The results and methodology applied provide the RT members and TOs in general with practical guidance that has been developed in parallel in the form of an online tool to conduct further HRIAs or to use specific HRIA guidance materials (e. g. for worker interviews). This guidance is integrated in the **Get Started tool** on the Roundtable's website and is publicly available.[7]

An HRIA helps tourism companies to realize their responsibilities to respect human rights, to enhance their understanding of how their activities and operations affect the human rights of various stakeholders and helps to mitigate and manage risks.

The overall project goals are to:
- Conduct an exemplary value-chain-focused HRIA applying a multi-stakeholder approach and develop potential follow-up measures from the perspective of European TOs;

- Test the HRIA methodology of the RT's **Get Started tool**[8], provide practical input for its development and gain experience on how to conduct HRIAs and take appropriate follow-up measures as a typical European member of the RT;

- Provide the TOs with a more precise understanding of the human rights context of their

- operations and business relationships in the two countries;

The outcomes of the project shall enable tourism businesses to assess human rights impacts along their value chain.

Tourism in context

Tourism has developed into one of the most important economic sectors worldwide in recent decades. The trends in international tourism since 2010 show that despite security concerns

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7   RT: "Get Started" tool. This tool was funded by the German Development Cooperation (GIZ) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ).

8   RT: HRIA tool.

and unrest in many parts of the world, tourism plays an important economic role and is a surprisingly resilient industry. According to the UN World Tourism Organization (UNWTO), 1.4 billion international trips were made worldwide in 2018, 6 % more than in the previous year. Added to this is, to an even greater extent, domestic tourism, which is approximately responsible for ten times higher numbers than international tourism.

By 2030, the number of international trips is expected to rise to 1.8 billion. Today, tourism is one of the world's most important and fastest growing economic sectors, accounting for about 30 % of world exports in services and contributing 10 % of the global economy (GDP). Tourism plays an ambivalent role on a global level; it has the potential to generate positive economic impulses. At the same time, the rapidly growing sector has negative consequences for natural resources and the global climate, and also for local communities and their tangible and intangible cultural heritage in the destinations.

CHARACTERISTICS OF THE TOURISM SECTOR

- Tourism is more than just an economic sector. It is a multilayered and complex system with various interactions with other economic sectors along the value chain, such as manufacturing, agriculture or various services provided;

- In many countries, tourism is characterized by small-scale structures and a high degree of informality. The large majority of people employed in tourism work in small businesses;

- The sector is being affected enormously by ICT (Information and Communication Technology) developments. Companies and platforms such as booking.com, Airbnb, tripadvisor or getyourguide have radically changed the traditional business model. The emergence of smartphone applications and social media is leading to fundamental changes in tourist behavior.

Project overview

The project was implemented by focusright ltd. with the support of many members of the Roundtable. A core group of RT members was formed to allow for constant exchange during the whole project cycle. The core group was formed by Tourism Watch / Bread for the world, End the Sexual Exploitation of Children (ECPAT), Studiosus, DER Touristik Suisse, Gebeco and forum anders reisen. Further Roundtable members were involved in consultations and provided relevant input and access to stakeholders in destinations. The participating companies and selected value-chain partners were engaged in this project to assess potential human rights impacts in their value chains and to understand how their sustainability policies and procedures are implemented in their operations in Thailand and Myanmar.

	Value-chain assessment			Follow-up measures
Time	June – August 2019	September – October 2019	November 2019 – March 2020	March 2020 onwards
Main activities	∘ Planning & scoping	∘ Destination assessment ∘ Consolidation of findings ∘ Filling the gaps ∘ Workshop with RT members in Berlin	∘ Drafting of HRIA report ∘ Action plan development ∘ Dissemination of results	∘ Start implementation of follow-up measures
Output	∘ Human rights scoping ∘ Stakeholder & value-chain map ∘ Detailed impact assessment plan	∘ Destination assessment notes ∘ Documentation	∘ Potential follow-up measures ∘ Final HRIA report ∘ Presentation at ITB Berlin & dissemination of report	

Build internal understanding and training of RT members

∘ Conduct webinars on the HRIA process & findings
∘ Provide regular updates through the RT's social media channels

Figure 1: Project plan HRIA Thailand and Myanmar

Methodology

The HRIA is based on an established methodology in line with international standards as provided by the UNGPs and related practical tools such as the HRIA Guidance and Toolbox of the Danish Institute for Human Rights (DIHR)[9] and the RT's guidance on HRIAs provided in the **Get Started tool**.[10] The approach reflects the multi-stakeholder nature of the Roundtable.

The research methodology consisted of a combination of complimentary approaches. Desk and online research were conducted in preparation for the assessment. In addition, bilateral Skype/phone conversations with various stakeholders took place prior to the on-site assessment to define the scope, identify relevant local stakeholders to be consulted during the on-site assessment and to prepare the consultations.

The team used qualitative research methods that were adapted to the local context. The detailed methodology applied during the on-site assessment is documented in the online **Get Started tool**. It consists of five phases:

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[9] DIHR: Human rights impact assessment guidance and toolbox-road-testing version.
[10] RT: HRIA tool.

phase 1	phase 2	phase 3	phase 4	phase 5
Business scoping	Human rights scoping	Preparation	On-site assessment	Analysis & follow-up measures

Figure 2: Phases of the HRIA

On-site assessment

In September 2019 the on-site assessment was conducted (see detailed schedule in annex I). The assessment teams per country were set up carefully considering the guidance provided on HRIA in the RT's **Get Started tool**.[11] In Thailand, Manushya Foundation acted as key partner and facilitator for enabling input form the ground. In Myanmar, Myanmar Responsible Tourism Institute (MRTI) and Myanmar Centre for Responsible Business (MCRB) assisted in accessing local stakeholders. Two local facilitators were part of the assessment team during the on-site consultations.

The teams were responsible for:

- Designing the project process and adapting to the context in Thailand and Myanmar;
- Desk research and pre-consultations;
- Conducting the on-site assessment;
- Facilitating the identification of findings, conclusions and mitigating actions with projects partners.

During the on-site assessment, the activities included the following:[12]

- Kick-off workshop in Bangkok, Thailand;
- Focus group discussions (FGDs);
- Semi-structured stakeholder interviews;
- Ad-hoc consultations with people in the destinations;
- Observations and joining typical excursions;
- Bilateral consultations with stakeholders;
- Closing workshop in Yangon, Myanmar;
- Validation workshop in Berlin with RT members and key tourism stakeholders after the assessment;
- Webinars prior to and after the on-site assessment for interested stakeholders.

Geographical scope

The geographical scope was defined based on customer volumes and the human-rights-related issue areas identified in the initial research (desk research and pre-consultations). Information gathered that related to other touristic value chains in the countries during the assessment was recorded, but not investigated in more detail.

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11   RT: Download: "What are the criteria for selecting the assessment team?".
12   For more details see the on-site schedule in annex I

In Thailand, the assessment focused on four main tourism areas: Phuket and Khao Lak as typical beach destinations, Chiang Mai and Northern Thailand as cultural and nature tourism destinations as well as Bangkok. In Myanmar, the assessment team focused on Mandalay and surrounding tourism sites, Bagan, Inle Lake and Yangon.

Scope in **Thailand:**
Bangkok, Phuket, Khao Lak and Chiang Mai

Scope in **Myanmar:**
Yangon, Inle lake, Bagan and Mandalay

Figure 3 and 4: Geographical scope for HRIA in Thailand and Myanmar

Value-chain scope

The value-chain scope was developed in collaboration with the members of the RT and the core group more specifically and focused on the typical value chain of European TOs in Thailand and Myanmar following the guidance on impact assessments provided by the RT **Get Started tool**.[13] This included the following tourism actors related to travel organisation and booking, transportation, accommodation, food and beverage as well as activities:

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13   RT: HRIA tool.

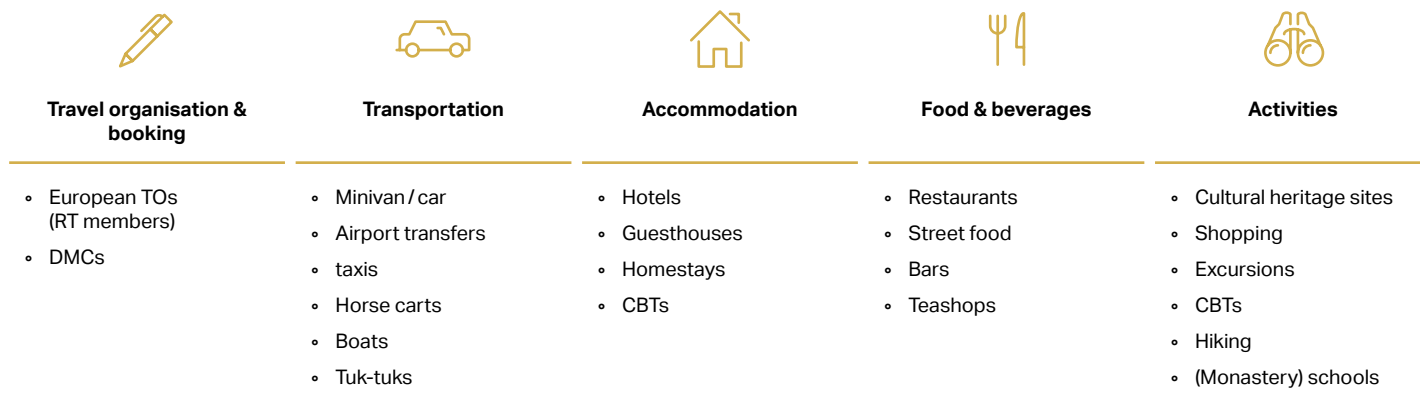| Travel organisation & booking	Transportation	Accommodation	Food & beverages	Activities
○ European TOs (RT members) ○ DMCs	○ Minivan / car ○ Airport transfers ○ taxis ○ Horse carts ○ Boats ○ Tuk-tuks	○ Hotels ○ Guesthouses ○ Homestays ○ CBTs	○ Restaurants ○ Street food ○ Bars ○ Teashops	○ Cultural heritage sites ○ Shopping ○ Excursions ○ CBTs ○ Hiking ○ (Monastery) schools

Figure 5: Scope of value chain for HRIA

Human rights scoping

The human rights outlined in the International Bill of Human Rights, the ILO Core Labour Conventions and other relevant international human rights standards formed the basis for the human rights scoping. The aim of the human rights scoping was to get an overview of potential and actual human rights issues and identify relevant stakeholders following the guidance provided by the RT in the **Get Started tool**,[14] including the main risk areas provided in the risk analysis section.[15] During this scoping phase the assessment team analysed the legal context and conducted issue mapping on human rights in tourism in Thailand and Myanmar, including the identification of potentially affected stakeholders. These reports built on existing knowledge and information from a variety of sources including UN institutions, CSOs, private sector and experts.

During the on-site assessment, a variety of human-rights-related topics were discussed with the stakeholders. For each country, they were then coded and clustered in impact areas such as "economic inclusion" or "environmental impacts" based on the feedback and priorities communicated by the stakeholders consulted. An overview on how the identified impact areas in Thailand and Myanmar relate to specific human rights can be found in annex II.

Overview of stakeholders consulted

Following the RT guidance[16] the consulted stakeholders were selected because they are potentially impacted directly or indirectly by activities of tour operators, or because they might provide further insights into actual or potential impacts (e. g. CSOs or international organisations). All stakeholders were informed about the purpose and content of the assessment, most of them prior to the country visit.

In Thailand, the team interviewed 44 workers and met 67 managers of tourism-related businesses, 37 community representatives, 17 people representing government or international organisations, 32 individuals representing CSOs or trade unions and 9 experts. In Myanmar, the team interviewed 107 workers and met 33 managers of tourism-related businesses, 15 community representatives, 16 people representing government or international organisations, 32 individuals representing CSOs or trade unions and 9 experts in Myanmar. Throughout the assessment, in total, 409 stakeholders were consulted.

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[14] RT: HRIA tool. Phase 2: Human rights scoping.
[15] RT: Analyse risks.
[16] RT: Download: "How to select and prioritise your stakeholders?".

Type of stakeholder	Number of stakeholders consulted
CSO / Trade Union (e.g. child rights organisations, women's rights organisations, indigenous peoples' rights organisations, LGBTIQ)	59
Community (e.g. CBT members, individual villagers, community women groups, cultural heritage groups, indigenous peoples)	52
Worker (e.g. hotel employees, tour guides, drivers, souvenir sellers)	151
Business (e.g. tourism associations, DMCs, hotels, restaurants, excursion providers, transportation companies)	100
Government (e.g. Ministry of Tourism, tourism marketing organisations, embassies)	13
International Organisation (e.g. UNICEF, UNDP, ILO, UNESCO)	16
Expert	18
Total	**409**

Table 2: types and numbers of stakeholders consulted

B   THAILAND
KEY FINDINGS AND POTENTIAL MEASURES

Thailand is among the top tourism destinations in the world with its unique culture and natural offerings, its hospitality and its location at the centre of Southeast Asia. For the country, the tourism industry is of great economic significance when compared to most countries in the region. According to the World Travel and Tourism Council (WTTC), tourism contributed 21.6 % to the GDP of the total economy in Thailand 2018, and 15,9 % of the total workforce in Thailand is working in the travel and tourism sector.[17] In 2018, 38.2 million travellers visited the country. China (27 %) was by far the biggest inbound market followed by Malaysia (10 %), South Korea (5 %) and Japan (4 %). As the influx gets harder to manage, the government is shifting its strategy. It is now targeting a minimum increase in tourism revenue of about 5 % annually instead of a particular number of visitors. That means encouraging longer stays and higher daily spending.[18]

In general, consulted stakeholders perceived tourism as having the potential to have positive impacts as it could generate income for them and provides direct and indirect jobs. At the same time, the continuous growth of the sector leads to increased negative impacts on local communities and puts pressure on the natural resources and the environment in the country.[19]

> "If companies, communities and tourists do not understand human rights, you will get exploitation."
>
> CSO representative during kick-off workshop

In October 2019, Thailand's cabinet adopted a National Action Plan on Business and Human Rights (NAP) and launched it in December 2019.[20] The NAP provides an analysis on the overview of the business and human rights situations, challenges and planned actions in which activities, responsible agencies and linkages with the National Strategy and Sustainable Development Goals (SDGs) are explicitly elaborated. Issues addressed in the NAP in the context of the present HRIA are labour rights including migrant workers and human trafficking, and community, land, natural resources and the environment. The NAP offers opportunities to align follow-up measures with the action plan and targets described and provides clear recommendations for the private sector.

The assessment provided an overview of a variety of actual and potential human rights impacts. As mentioned above, they were then coded and clustered in impact areas. The main impact areas identified in the context of this assessment in Thailand are summarized in Figure 6 below.[21] The **x-axis (leverage)** illustrates the ability of European TOs to influence the potential or actual impact. The level of leverage will influence the kind of measures TOs can take to foster the positive and mitigate the negative impacts of their operations in Thailand. The leverage has been assessed from the perspective of a typical RT member. It can be adapted by individual tour operators based on their company structure and products offered. The **y-axis (severity)** indicates the potential level of severity identified impacts might have on the people

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17   WTTC (2019): Country Report: Thailand.

18   Ministry of Tourism and Sports Thailand (2017): The Second National Tourism Development Plan (2017-2021).

19   OHCHR (2019): Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

20   Thailand's Rights and Liberties Protection Department (2019): NAP Thailand.

21   An overview on how the identified impact areas relate to specific human rights can be found in annex II.

affected. Severity has been defined considering the scope, scale and remediability of the impacts – according to current international standards.[22] The **Get Started tool** provides detailed guidance for tour operators on how to define severity[23] and leverage[24] (salient issues).
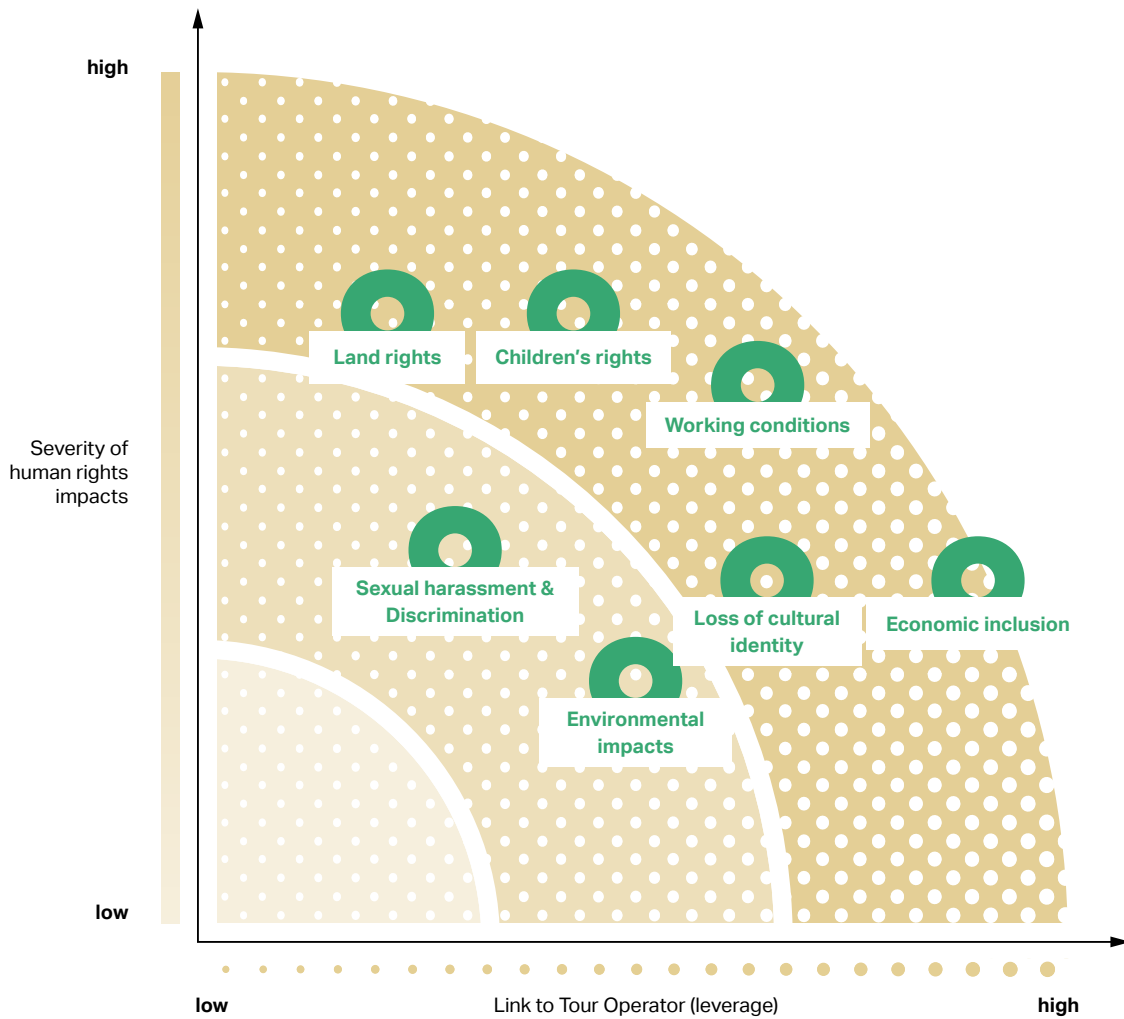

Figure 6: Overview of findings in Thailand

22 UN (2011): UNGPs; OECD (2018): OECD Due Diligence Guidance for Responsible Business Conduct.
23 RT: Download: "How to prioritise human rights issues according to their impact severity?".
24 RT: Download: "How to identify a company's ability to influence ('leverage') impacts on human rights?".

1. Economic inclusion

Tourism contributes to economic growth and in many Thai communities in the research area the economic value of tourism is perceived positively as it could increase people's income and enhance their livelihood. People are largely dependent on income from tourism in the researched areas where it is a significant contributor to household economies. A lack of backward linkages was observed and the increase in an all-inclusive concept in beach destinations is reinforcing this issue.

Severity: Leverage:
medium   **high**

1.1   Key findings

Local stakeholders reported that they can enjoy economic benefits from tourism as it generates job opportunities, which lead to an increase in income. At the same time, a certain dependency on tourism has been observed.

◦ Commission payments are hindering economic inclusion. It has been reported that if the community does not provide commissions to tour guides, the guides don't bring customers to the area;

◦ Some villages (mainly in the northern part of Thailand) have given up their traditional livelihood and are now completely dependent on tourism income which can be a risk if the tourism ceases to flourish. However, some community members highlighted that they are often bypassed by large companies, and therefore cannot engage in CBT projects;

◦ The ban on elephant riding excursions by many European TOs was not accompanied by a transformation process to support elephant owners with a strategy for other involvement in the tourism sector and had negative impacts on the income of communities that were dependent on this income from tourists.

Economic inclusion of communities

◦ In the Phuket area, the Moken indigenous peoples (Chao Lay often called "sea gypsies" by foreigners) are gaining less benefit from tourism. They aim to offer marine excursions and sell souvenirs to tourists, but they noted that they rarely have customers and do not receive equal benefits compared to other stakeholders, such as businesses because communities do not have access to consumer markets. Rather than receiving positive benefits of tourism, community members noted that their traditional livelihoods are threatened by tourism development;

◦ The communities and indigenous peoples feel mistrust of and a lack of support from the government which does not provide them with permission and certification required to engage in tourism. Instead, such permissions are often given to large companies. Indigenous peoples pointed out that various government policies affect them negatively limiting their possibility to participate in the tourism sector;

◦ Communities lack the network, business skills and market know-how that is required to attract tourists. The services, products and practices offered are not necessarily aligned with international standards;

◦ Unequal sharing of benefits has a negative impact on community cohesion.

Mainstream beach tourism

◦ In the beach destinations assessed, the majority of products in hotels are not sourced locally and strong backward linkages are missing. This leads to economic leakages and

limited benefits for local communities. Procurement processes within large hotels are price driven and, in most cases, do not consider local producers. Large wholesalers are usually preferred to ensure supply and product quality;

- There is an increase in all-inclusive resorts at beach destinations which leads to reduced income for local restaurants and other service providers. In the view of certain local stakeholders, the all-inclusive model of tourism at beach destinations is exclusive and detrimental to local traders, tour operators and communities as it encourages little or no spending beyond the hotel walls. This can cause tourist harassment by local souvenir sellers trying to sell their products to tourists, which can then further deter tourists from leaving the hotels;

- Nowadays TOs and DMCs mainly work with local / national hotel partners (large international chains have their own distribution channels and flexible pricing). This offers opportunities to develop long-term partnership and enhance the sustainability performance of those hotels.

1.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
The local population benefits from the tourism industry	- Build capacities in communities and provide them with training on how to manage assets; develop joint products and work with CBT networks to improve market access; - Work towards quality improvement of local goods and services to meet expectations of international tourism market. Offer workshops on business management, training and marketing to support local businesses; - Train and sensitise DMC employees to develop products and excursions that benefit the local communities; - Ensure fair and equitable business relationships. TOs and DMCs pay fair prices.	- CBT organisations - DASTA - DMCs - PATA - Tour guides - Responsible tourism networks
Local sourcing of goods and services is enhanced	- Work with hotel partners to promote local sourcing of products and services. Promote locally produced souvenirs and work with key partners (tour guides and hotels) to promote them; - Give priority to local suppliers when purchasing and offering goods and services; - Choose locally owned (micro-)SME business partners on the ground and work with smaller businesses.	- Key hotel partners - DMCs - Tour guides
Tourists support the local communities	- Develop sustainable excursion guidelines for DMCs to ensure that communities benefit from tourism. Carefully assess CBT projects on their sustainability and inclusiveness (see 2.1); - Encourage tourists to buy locally produced souvenirs and to eat in local restaurants (provide list of recommendations based on quality and not commission). Promote local businesses and provide space to showcase and sell their products.	- DMCs - Tour guides - Communities - Key hotel partners

Table 3: economic inclusion in Thailand: areas of action for tour operators

2. Loss of cultural identity

The rich culture associated with the people and their traditions is the main reason for tourists to come to Thailand. The communities consulted and visited have a positive attitude towards tourism and are welcoming tourists who visit their villages. At the same time, they feel "culturally exploited" without benefiting economically. The biggest perceived negative impacts are related to concerns of "cultural degradation" and inappropriate behaviour by tourists which leads to changing morals and ways of living which do not belong to the traditional local cultures.

Severity: Leverage:
medium   **medium−high**

2.1   Key findings

Rights of indigenous people

○ Communities and marginalised groups are impacted by tourism and face numerous challenges resulting from tourist activities. Although the government ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), many ethnic groups are not recognized as indigenous peoples, and many indigenous peoples cannot obtain Thai citizenship, which is fundamental to realise other human rights such as the rights to health, education, right to own land, etc.;

○ The Royal Thai Government promotes indigenous peoples in order to attract tourists. While the state utilises them for economic benefit, they are significantly marginalized in Thai society and are treated differently from "Thai" citizens. In Northern Thailand, privately or state-owned enterprises receive most of the benefits while local communities only receive small amounts. Community members noted that numerous artificial cultural villages are being established where tourists can learn about the traditional ways of living and cultural practices of ethnic groups. Community members view them as being disrespectful to their own communities and ethnic groups. Indigenous peoples' traditional knowledge is used and commercialised by others without obtaining the permission of the indigenous peoples themselves or sharing the benefits with them. One classic example is the "Kayan long-necked women", a major tourism attraction in northern Thailand (also often referred to as a "Human Zoo").

Cultural erosion due to touristic activity

○ Communities are often negatively impacted because of the inappropriate behaviour of tourists, which is not in line with the local culture. There is a need for increased tourist sensitisation on cultural and social issues and for the promotion of "real" sustainable and responsible tourism experiences to create demand among tourists;

○ In Phuket, the Moken indigenous peoples noted that their traditional livelihoods are threatened by tourism development. First of all, their ancestral land, which is often located in beach areas, is grabbed and sold to investors. They reported that they are unable to continue their traditional ways of fishing, do not have access to water and electricity, and cultural sites have been destroyed;

Marketing dilemma of indigenous people

Tourism can bring a lot of benefits to the people living in villages. On the other hand, it may have negative impacts on the rights of indigenous people and can lead to the loss of their cultural traditions. Many communities feel that they are "stigmatized" and not respected well enough when being marketed and visited. This means that their right to free, prior and informed consent, which is guaranteed to them by the UN Declaration on the rights of Indigenous Peoples (UNDRIP) is violated.

○ Interviews with representatives from the indigenous women network documented negative impacts of tourism in their area, including worsening living conditions, lack of access to benefits, degradation of natural resources and a rise in drug consumption among young people in the villages;

○ Traditional livelihoods and ways of living are changing. Today's youth prefers to work in the tourism sector rather than conducting traditional farming activities.

Participation

○ Lack of meaningful consultations and engagement: Local communities are often not involved in tourism development projects even though they are the most affected;

○ Communities would like to engage in the tourism sector through their own CBT activities, which involve tourists and the community and in which requirements set by the community are followed and the values, traditions and culture are respected.

2.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Tourists and tourism businesses are respecting local culture and traditions	○ Promote appropriate behaviour amongst tourists and ensure that tourists are well informed about local cultural do's and don'ts; ○ Promote respectful visitor-host interactions that enhance cross-cultural learning and understanding without disrupting daily routines; ○ Develop training for tour guides; ○ Inform customers about the negative consequences of drug consumption in the communities.	○ Tourism Authority of Thailand (TAT) ○ Thailand Community based Tourism Institute
Products are respecting local traditions and culture	○ Promotion of sustainable products and itineraries; ○ Collaborate with communities to market the community's own developed community-based tourism program which is respects the community's requirements and values; ○ Safeguard cultural resources of local communities – apply guidelines "Indigenous people and the travel industry";[25] ○ Ensure that traditional knowledge and its representation are protected from commercial exploitation.	○ TAT ○ Thailand Community-based Tourism Institute communities ○ CSOs
Participation of communities is ensured	○ Ensure that communities and suppliers participate in decision making and that they are well-informed about tourism planning and projects;[26] ○ Treat the communities as equal partners. They should determine the level of their involvement in tourism activities.	○ CBT ○ RT

Table 4: loss of cultural identity in Thailand: areas of action for tour operators

25   G Adventures, Planeterra Foundation, International Institute of Tourism Studies (2018): Indigenous people and the travel industry: Practical global guidelines to good practice.

26   For further guidance see also: Oxfam and FIDH (2011): Community-based human rights impact assessment: The Getting it Right Tool, training manual.

3. Working conditions

The working conditions and employee satisfaction varied significantly between the hotels and lodges visited. Working conditions are generally acceptable in the formal sector including for migrant workers in the value chain assessed. Some hotels visited are outsourcing certain services such as laundry, carpentry or maintenance. These workers are not directly employed by the hotel and face more difficult working conditions. Working conditions are challenging in the more informal tourism supply chain, e.g. in agriculture, transportation or souvenir production.

Severity: Leverage:
medium–high   **medium–high**

3.1 Key findings

◦ Different from the other visited destinations, in the Phuket area, hotel workers are in a relatively strong position to negotiate as the need for skilled and qualified employees is high and will even increase in future. Hotels have an interest in keeping staff to reduce staff turnover and ensure service quality;

◦ Staff accommodation is good, and the staff benefits are appreciated by workers;

◦ Unions are not present at the hotels visited. There seems to be little interest amongst workers to join a union. A CSO reported that they want to set up a union for migrant workers, but interest amongst workers is low as they would easily find a new job if they were not happy with the current employer.

Forced labour

◦ The government makes efforts in various sectors including tourism to tackle human rights abuses related to trafficking and forced labour. This happens particularly due to cases in the fishing industry that have attracted international attention.[27] Law enforcement is nowadays also strict in the tourism sector and no recent cases of forced labour in the formal tourism sector have been reported (see also the Box on the criminalisation of sex workers). However, indigenous peoples, such as Kayan Long Neck women, who lack citizenship and are prohibited to move out of their districts, are illegally trafficked to other parts of Thailand by businesses to work in artificial cultural villages or tourism spots.

Migrant workers

◦ All hotels visited contract migrant workers (mainly from Myanmar. Laos, Cambodia and Philippines)[28] and comply with national regulation with regards to migrant labour rights in Thailand which protect migrant workers from exploitation;

◦ Migrant workers have less development opportunities than Thai nationals and usually get the low-ranking jobs;[29]

◦ Migrant workers are not paid the same as their colleagues (usually not receiving a service charge contribution) but rather receive the minimum wage (depending on region 300–310 THB/day). This corresponds to a monthly salary of around 7,000 THB. A living wage is estimated to be around 13,000 THB;[30]

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27 See for example: Harvard Political Review (2018): Saltwater Empires: Slavery in the Thai Fishing Industry.
28 Verité, Fair Labor, worldwide (2019): Thailand Bound: An exploration of labor migration infrastructures in Cambodia, Myanmar and Lao PDR.
29 See also: Schyst Resande and Fair Action (2015): No Holidays for the Burmese. A follow up study of the working conditions for Burmese migrants at hotels and their suppliers in Thailand.
30 Fair Labor Association (2016): Thailand wage benchmarks and charts.

- Risks of exploitation are mainly in supply chain and outsourced services (maintenance, gardening, carpentry). Migrant workers are often hired through subcontracting companies as a way of mitigating the risk of legal liability. Hotels do not check working conditions and work permits of migrant workers within outsourced services and within their supply chain;

- Grievance procedures and staff training are available in the Thai language only and so are not readily accessible by migrant workers;

- Individual migrant workers in the hotels visited have a work permit including health insurance and an Identity Card (ID). However, this does not allow them to travel to other regions in Thailand;

- Hotels pays for the work permits of migrant workers, which binds the employees to the hotel and makes it harder for them to leave.

Women's rights

- Due to low salaries many women are dependent on a second income. In addition to their regular work, several women consulted work in 7-Eleven shops or on family owned rubber plantations;

- The majority of the workforce in the Thai tourism sector is female, but most management positions are filled by males. Women are often by-passed for promotional opportunities;

- Women have to work many hours which creates problems for them to provide proper care to their children. Most employers do not care about this.

CRIMINALISATION OF SEX WORKERS

Sex workers are particularly vulnerable to human rights abuse, including human trafficking. The main obstacle to protecting sex workers is the hidden nature and criminalisation of sex work. The offer of sex is often in plain sight, especially in "night entertainment" areas like Patong in Phuket. Thus, the sex work is tolerated and criminalised at the same time.

Key findings

Sex workers, who are highly involved in the tourism industry offering services to tourists are not recognised as workers by the Thai government and therefore are not eligible for welfare and are not protected under the country's labour law.

- Many sex workers in Thailand are undocumented migrants from neighbouring countries. This migration status increases their vulnerability;

- Sex workers risk arrest if they report violence to the authorities;

- Concern was raised about the practice of stamping the passports of undocumented migrant sex workers, indicated that they have been fined for engaging in prostitution;

- Several cases of women being trafficked to work in the sex industry have been reported. Almost 80 % of human trafficking in Thailand is aimed at sexual exploitation. For the period 2014 to 2017, the United Nations Office on Drugs and Crime (UNODC) lists more than 1200 cases. Almost three quarters of all victims are underage girls;

- The rampant corruption is one of the main reasons why this illegal business continues without major problems;

- Many sex workers say the police oppression is making the job even more difficult.

In the Thai NAP on BHR[31], an attempt was made to eliminate discrimination and exploitation of sex workers at the workplace. According to Manushya Foundation[32], the government's recommendation falls short as it only includes to 'study, analyse, and review the Prevention and Suppression of Prostitution Act B.E. 2539 and relevant laws.' While, in order to effectively address the elimination of discrimination and exploitation of sex workers at the workplace, it is required to 'Amend or repeal the Prevention and Suppression of Prostitution Act B.E. 2539' and relevant laws to refrain from criminalising sex work that would result in their arrest, detention, discrimination, and exploitation of sex workers that violate their rights.

Wages and working hours

◦ National laws on wages and working hours are respected – workers have regulated working hours (9h / d) and get one day off per week. In the hotels visited, workers can be compensated for overtime;

◦ Dissatisfaction was expressed regarding salary increases, career development and promotional opportunities;

◦ The minimum wage in the sector does not sufficiently reflect the cost of living and is not considered to be enough to support a family, especially in Phuket and Bangkok. Many workers in the tourism sector depend on a second income. Service charge forms part of the salary and workers in hotels and restaurants heavily depend on the service charge. In the low season, many workers therefore need a second income.

> "Salary does not keep people."
>
> Hotel manager

Access to grievance

◦ Most hotels have a complaint box for employees but workers in hotels do not always feel supported by hotel management if there are unfair guest complaints.

Labour issues at outsourced service providers

◦ Employees at outsourced services often face worse working conditions than permanent employees at the hotels;

◦ People in the informal sector, such as boat drivers, work long hours. In order to be able to work such long hours, some of them become involved in drug use;

◦ Tour guides are usually freelance workers. Most of them like their job and the interaction with tourists. Main issues raised were unpredictable working hours and income, lack of insurance and that they need a secondary income to cover living costs;

◦ The decision of some DMCs to ban shopping commissions had a negative impact on the salary of the tour guides which is not compensated by tips or an increased daily allowance;

◦ Working hours of drivers (transfers, coaches) often extend regulated working time. Drivers are highly dependent on tips.

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31   Thailand's Rights and Liberties Protection Department (2019): NAP Thailand.
32   Manushya Foundation's comments to the NAP on BHR, presented in June 2019.

3.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Suppliers respect fundamental worker's rights	○ Develop supplier code of conduct and make sure it is signed and implemented by suppliers; ○ Make sure that contracted hotels and other service providers comply with national labour legislation; ○ Train key suppliers in supplier code of conduct, with a focus on adequate working conditions; ○ Further develop certification schemes such as Travelife in relation to workers' rights; ○ Distribute toolkit from ITP and Shiva Foundation on modern slavery and anti-trafficking and raise awareness amongst key suppliers;[33] ○ Distribute training developed by Hilton Hotel Group on modern slavery;[34] ○ Provide training on human rights to key suppliers in collaboration with the NHRCT, who developed the 'Human Rights Due Diligence Handbook' for the hospitality sector and conducted a pilot project with hotels in Phuket where the handbook is applied in practice.	○ Travelife ○ International Tourism Partnership (ITP) ○ Hotel associations ○ TAT ○ ILO ○ PATA ○ ASEAN Centre for responsible business ○ The National Human Rights Commission of Thailand (NHRCT)
Working conditions of subcontracted staff are improved	○ Make sure maximum driving hours are respected and that itineraries are feasible within the regulated driving hours. Apply RT guidance on driving personnel.[35]	○ DMCs ○ RT
Migrant workers	○ Make sure that migrant workers have access to training in hotels; ○ Ask supplier for anti-discrimination policies, including possibilities for career development for migrant workers.	○ Key hotel partners ○ Foundation for Education and Development (FED)[36]
DMCs develop their own CSR policies and respect human rights	○ Support DMCs to develop their own CSR policies and human rights due diligence process. Support certification; ○ Provide training on human rights and promote RT Tools.[37]	○ DMCs ○ Travelife for tour operators ○ TourCert ○ RT

Table 5: working conditions in Thailand: areas of action for tour operators

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[33] Shiva Foundation and ITP: Stop Slavery Blueprint.
[34] ITP: Training Platform. Course on risks of modern slavery in labour sourcing by Hilton Hotel Group.
[35] RT (2016): Human Rights in Tourism – An Implementation Guideline for Tour Operators.
[36] FED: Our story.
[37] RT: "Get Started" tool.

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4.   Environmental impacts

Environmental issues can cause direct impacts on communities in the destination area. The increasing number of tourism businesses increases pressure on natural resources. The main issues raised included water scarcity and lack of waste management. Community members clearly relate the poor availability of potable water and the increase of waste to the tourism industry.

Severity: Leverage:
medium–low   **medium**

4.1   Key findings

Communities and tourists suffer negative effects due to excessive waste produced by the tourism sector. As more companies establish businesses in Phuket and Khao Lak, more people migrate to the region in order to seek employment and the number of tourists increases.

Waste management

◦   Community members and villagers reported that they are experiencing an increase in waste and their areas have become polluted;

◦   The actual tourism sites are clean – waste is collected and transported outside the tourism areas to dumpsites that might cause health and environmental problems for local communities;

◦   Reports have been made of excursion/ dive boat operators dumping their waste overboard;

◦   Tourism stakeholders are aware of negative impacts on customer satisfaction if beaches or the environment are polluted by waste or access to the water is denied due to poor water quality.

> "Tourism in Thailand is at 'tipping point' and we have to ask ourselves – do we still need more growth or rather invest in quality?"
>
> Manager of a DMC

Water management

◦   The number of people and inhabitants in tourism areas, notably in Phuket, increase. As a result there is an increased demand for water, which is scarce as the capacity of water reservoirs has not increased with the number of inhabitants. Consequently, local communities experience water shortage because when water is distributed, preference is given to businesses and tourism facilities rather than to local communities;

◦   New tourism developments such as golf courses and water parks put even higher pressure on already scarce water resources;

◦   Communities without land titles do not have access to water and electricity and are even more affected by water shortages;

◦   Wastewater is still discharged in the sea in many regions having negative impacts on communities, tourists and the environment.

Natural habitat

◦   Many mangroves and other important natural habitats are being destroyed for tourism development. This also has negative impacts on beach erosion.

4.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Hotels implement measures to reduce water consumption	◦ Deliver workshops for hotels and tourism service providers on water-saving measures; ◦ Disseminate water management guidelines to hotels and begin measurement activities with key hotel partners. Incentivise hotels. ◦ Foster collaboration between private sector and government to ensure better management and planning.	◦ ITP ◦ Phuket Hotel Association ◦ Kuoni water manual ◦ TAT ◦ CSOs ◦ Local authorities
Suppliers implement measures to reduce waste and to foster circular economy	◦ Train suppliers on waste management; ◦ Address issue with associations in the tourism sector and join forces with other TOs to reduce waste in tourism; ◦ Inform customers about appropriate behaviour and how to be respectful towards the environment.	◦ TAT ◦ GIZ lab of tomorrow ◦ Phuket Hotel Association ◦ Local authorities
Projects to protect natural habitats and mangroves are implemented in collaboration with partners	◦ Work with environmental organisations (WWF, IUCN and others) to jointly implement mangrove protection projects.	◦ CSOs ◦ Government ◦ Communities ◦ Tourism associations

Table 6: environmental impacts in Thailand: areas of action for tour operators

5. Children's rights

Children are known to be particularly vulnerable to tourism as the impacts are mainly indirect and child labour is not an evident issue within the formal tourism sector in Thailand. National regulations are mostly respected and law enforcement is strict. Employment of children within family businesses, the tourism supply chain and the wider informal sector in travel and tourism is more common and less regulated. Worst forms of child labour exist in the tourism supply chain including sexual exploitation of children in travel and tourism (SECTT).

Severity: Leverage:
high   **medium**

5.1   Key findings

Due to long and irregular working hours, working conditions in the tourism sector can have direct consequences for children; for example, on childcare and after school-care. Children of migrant workers have access to public schools if their parents have permission to stay and work in Thailand.

Child labour in value chains

- The worst form of child labour is usually linked to the tourism supply chain – e.g. in the agriculture and construction sector.[38] The further away from the actual tourist areas and their companies, in terms of place in the value chain as well as geographically speaking, more children seem to be involved and conditions seem to become more hazardous and unacceptable. Children are involved in tourism in the informal sector for example by selling goods to tourists, helping in a shop or selling souvenirs on the beach, which might adversely affect their school attendance;

- Evidence of child labour was observed in street vending and begging in cities and touristic hotspots. A police presence at tourism hotspots is high and there are numerous checks to ban children begging.

Sexual exploitation of children in travel and tourism (SECTT)

- The most significant challenge with regards to SECTT raised was the lack of law enforcement;

- Due to the hidden and illegal nature of SECTT it is extremely difficult to obtain accurate numbers and information.[39] This has also to do with the perception of the definition of a child. In general, when people talk about children, they think of persons younger than 14 or 15 years that look childlike; 16 or 17-year-olds who look like (young) adults are not perceived as children. SECTT is still an issue in Thailand even though no cases were reported during the assessment. It was stated that especially "flower girls and boys" in red light districts are exposed to risks;[40]

- A lot of initiatives have been implemented and are still ongoing. Hotels catering for the international market have introduced strict "joiner" policies and are implementing measures and criteria of The Code[41] to prevent SECTT on their premises. One key issue remains. Tourism stakeholders, employees in hotels or other informants do not want to file information and cases to the police because they fear the consequences;

- Sexual exploitation of children is likely to occur most frequently within the less-regulated environment of unclassified, and one-star and two-star hotels, although occurrences in other properties cannot be ruled out.

> "The work on children's rights is focusing on sexual exploitation – other issues are not on the agenda of the businesses."
>
> CSO representative

38   UNICEF (2018): Building Futures in Thailand. Support to children living construction site camps.

39   UNICEF and ECPAT (2015): Situation Analysis of the commercial sexual exploitation of children in Thailand.

40   For detailed information see: ECPAT International (2016): Offenders on the move. Global study on sexual exploitation of children in travel and tourism.

41   The Code: About us.

5.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Children are protected from sexual exploitation	○ Make sure that the DMCs are signing The Code individually and implement the six criteria. Work through supply chain and business networks to support the effective implementation of The Code; ○ Enhance awareness raising and implement preventive measures e.g. through "can you see me campaign";[42] ○ Assist children involved in SECTT in collaboration with CSOs (e.g. support vocational training); ○ Explore opportunities to intensify cooperation with local CSOs.	○ ECPAT ○ UNICEF ○ The Code ○ Other CSOs such as friends international ○ DMCs ○ PATA ○ Child safe and friendly tourism campaign[43] ○ A21: Can you see me campaign
Child labour is eliminated in tourism value chain	○ Create awareness about child labour in tourism supply chain and sensitise key partners. Develop guidance to better understand when child labour being abused; ○ Work with organisations and business partners to strengthen cooperation and coordination through child friendly and safe tourism initiatives by the government; ○ Provide training to tour guides so that they can inform tourists about the issue and inform them how to respond to child labour and SECTT; ○ Discourage clients from using child guides, buying souvenirs from children and giving money to child beggars, explaining that this prevents them from going to school.	○ UNICEF ○ ECPAT ○ DMCs ○ Hotel partners ○ Child safe and friendly tourism campaign
Awareness about child rights in the sector is raised	○ Create awareness that the sexual exploitation of children in travel and tourism is only one (but important) aspect of the many risks children can face from poorly managed tourism; ○ Train and empower staff on children's rights; ○ Apply the UNICEF Child rights and business principles and the global good practice guidelines.[44]	○ UNICEF ○ ECPAT ○ Child safe and friendly tourism campaign

Table 7: children's rights in Thailand: areas of action for tour operators

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[42] A21: Can you see me: Campaign Thailand.
[43] Child Safe Movement: Be a childsafe traveller.
[44] Child Safe Movement, Planeterra Foundation, G-Adventures (2018): Child Welfare and the Travel Industry: Global Good Practice.

6. Sexual harassment and discrimination

For many tourists Thailand is still a "sex destination" and during the assessment, several female workers stated that sexual harassment by tourists is occurring in the workplace. Many members of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community still face a range of forms of discrimination. Attitudes towards LGBTIQ individuals can be somewhat tolerant as long they remain within certain social confines.

Severity: Leverage:
medium   **medium–low**

6.1   Key findings

∘ Women are exposed to sexual harassment in the workplace – mainly women working in spas and housekeeping are at specific risk of harassment;

∘ While Thailand is often promoted as an "LGBTIQ paradise", in reality LGBTIQ individuals are often stigmatized and face discrimination when applying for jobs in the tourism sector. There were reports of LGBTIQ individuals being denied promotions, being fired from their jobs after disclosing their sexual orientation, as well as being asked inappropriate questions during interviews. Transgender individuals who cannot easily hide their identities suffer the most employment discrimination in Thailand and are often limited to working in roles in hospitality, entertainment or the sex work industry;

∘ Thailand has a reputation as being one of the most LGBTIQ-friendly destinations worldwide and has set a strategy in place to welcome more LGBTIQ travellers in future.

6.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Female workers in hotels are protected from being sexually harassed	∘ Make sure that hotels implement policies and train staff (e. g. to work in pairs only); ∘ Make sure that hotels develop internal grievance mechanisms and that female employees feel protected by the management when a case is raised.	∘ Hotel associations; ∘ Key hotel partners; ∘ CSOs
LGBTIQ are not discriminated	∘ Prevent discrimination of LGBTIQ in own business and in business relationships.	∘ DMCs ∘ Key hotel partners;

Table 8: women's rights and sexual harassment in Thailand: areas of action for tour operators

7. Land rights

Communities and in particular indigenous people face challenges with respect to their rights to land. Numerous communities do not have land ownership or formal land titles, even though they have lived on their lands for generations. This situation disrupts indigenous people in the development of their own businesses. There have been cases of conflicts related to areas of land compulsorily acquired for the development of tourism infrastructure without prior and informed consent by the local inhabitants.

Severity: Leverage:
high   **medium−low**

7.1   Key findings

Land grabbing

- Increased tourism development and the high demand for land leads to land grabbing and displacement of local communities;

- While communities have lived on their ancestral land for generations, they face barriers to obtaining land titles. In some cases, communities not obtaining land titles have resulted in communities being evicted from their lands as their land is being grabbed and sold to investors. This violates communities' fundamental human rights and their livelihoods and causes cultural disturbances and discontinuation of traditional practices and occupations;

- Corruption of officials results in adverse impacts on various stakeholders with regards to land rights of businesses engaged in the tourism sector, especially local communities. There is anti-corruption legislation in place; however, enforcement is weak;

- In Phuket, people belonging to the indigenous group the Moken (sea gypsies) experienced that their ancestral land, which is often located in beach areas, is grabbed and sold to investors. Not having their rights to land protected violates numerous other of their human rights and communities reported that they are unable to continue their traditional ways of fishing, do not have access to water and electricity, and cultural sites have been destroyed;

- Numerous communities, especially indigenous peoples, lack land ownership which limits their ability to become entrepreneurs in tourism e.g. to provide accommodation to tourists. Indigenous peoples pointed out that in order for them to benefit from tourism it is required to have strong government policies that support indigenous peoples. According to CSOs the Thai government is not supportive of indigenous peoples and various government policies negatively affect them. For example, many indigenous peoples are located in reserved forest areas and national parks, where the activities they are allowed to perform are minimum, restricting their capacity to participate in the tourism sector. Communities pointed out that the Thai government's Forest Reclamation Policy, which is enforced since 2014 is the most problematic policy for them as this policy has resulted in the eviction of many people belonging to indigenous groups, severely violating their human rights.

Restriction of traditional lifestyles and livelihoods

- The government aims to promote and protect the national forest and marine resources through enforcing current laws which prohibit community members from undertaking their traditional fishing and hunting practices with severe negative effects on sustainable livelihood strategies;

- The government's forest reclamation policy has resulted in the eviction of numerous people, with a significant number of them belonging to indigenous groups. It has been pointed out that the state treats these areas as its own and not as the land of the indigenous peoples who live in these areas which have only recently been declared as national reserved forest areas or national parks for touristic activities;

- Cases have been reported where access to the beach is restricted for local fishing communities.

Lack of community participation and prior consultation

- Local communities are not consulted and informed about investments and projects are developed without the prior consent of the local communities;

- There is a lack of effective remedy and redress;

- In Khao Lak, communities are concerned about tourism development – they fear becoming a "second Phuket". A new airport is planned which would increase the number of tourists massively.

7.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Communities can follow their traditional livelihoods and have access to the sea and forests	- Engage with the community and understand their culture, the conditions of they live in, and their capacity; - Explore opportunities for improving the dialogue between local communities, tourism stakeholders and government; - Ensure that local communities in surrounding areas are well informed of any plans that businesses may have or are currently undertaking and ensure they can meaningfully engage, through providing their input and feedback which should then be considered and implemented, and ensure that the right to Free Prior and Informed Consent (FPIC) of indigenous peoples is respected at all times.	- CSOs - RT - Manushya Foundation
Avoid complicity in land rights issues	- Conduct due diligence and commit to zero tolerance with business partners involved in land rights issues; - Work with local partners and CSOs to provide information on past and current incidences related to land rights to business partners in the destinations.	- DMCs - CSOs

Table 9: land rights in Thailand: areas of action for tour operators

C   MYANMAR
KEY FINDINGS AND POTENTIAL MEASURES

Myanmar has embarked on a long and challenging process of democratic and economic reforms since its transition to a civilian-led government in 2016. After re-opening to international visitors in 2013, Myanmar has experienced significant growth in international tourism arrivals, as the tourism sector has been identified as a priority sector by the government and a Tourism Master Plan 2013–2020[45] has been developed. After 15 years of isolation and boycott, Myanmar became a "must see" destination within an extremely short period of time. While up to 2014 the country had too little tourism infrastructure to manage the sharp increase in tourism arrivals (over-demand), a lot of investment happened in tourism (e.g. hotels) and in training the tourism workforce (e.g. training tour guides and vocational training in hospitality).

With the transformation of the country came an influx of private international investors in a variety of sectors, including tourism. This transition was accompanied by the arrival of international donor agencies and significant increases in budgets. The expectations were high to ensure a smooth and responsible transition from the beginning and to avoid the mistakes experienced in other regions and countries in comparable transformation processes.[46]

> "Five years ago was the brightest day for the industry. Now all tour guides need to have a plan B, C and D … Now the tourism industry looks like a rotten egg: all nice from the outside but rotten from the inside."
>
> Junior tour guide, working for 5 years

In the context of this HRIA, the Roundtable encountered "consultation fatigue", with stakeholders questioning the fact that – putting it bluntly – people should be consulted again for a study which will lead to no concrete measures. The country and aspects related to tourism development have been studied widely and a lot of valuable information and initiatives are available, which provided an important basis for this HRIA.[47] The Sector-Wide Impact Assessment (SWIA)[48] conducted on the tourism industry in Myanmar identified a variety of impacts that are still relevant.

While the SWIA – published in February 2015 – stated that the infrastructure and society was poorly prepared to receive a large number of foreign tourists, the situation now looks very different: Much investment has taken place in the meanwhile, both in infrastructure development as well as building a local workforce trained in tourism. However, now the main concern is the decline in arrivals of European tourist leading to empty hotels and an unemployed, freshly trained tourism workforce.

All the stakeholders consulted confirmed recent tourism statistics that show a significant decline in international arrivals from Europe caused by the negative response to the Rakhine State humanitarian crisis, including the allegations by the UN of "genocidal

> "The honeymoon of Myanmar for western countries is finished."
>
> Employee at International Organisation

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[45]   MoHT (2013): Myanmar Tourism Master Plan (2013–2020)

[46]   In this context, Myanmar's Responsible Tourism Policy was developed: MoHT, MTF and Hanns-Seidel-Foundation (2012): Republic of the Union of Myanmar: Responsible Tourism Policy.

[47]   See references in annex IV for more details.

[48]   MCRB, DIHR and Institute of Human Rights and Business (2015): Tourism Sector-Wide Impact Assessment.

intent"[49] happening in certain regions of the country. In parallel, there has been a shift towards more arrivals from Asia, particularly from China. This is in line with the Myanmar government's "Look East Policy".

According to the World Travel and Tourism Council (WTTC), tourism contributed 6.6 % to the GDP of the total economy in Myanmar in 2017, and 5.7 % of the total workforce in Myanmar is working directly or indirectly in the travel and tourism sector.[50] In 2018, 3.55 million travellers visited the country, with the MoHT reporting that 76 % of these visitors came from Asian countries with the majority from China (24 %) and Thailand (21 %), 13 % from Western Europe and 5.5 % from North America.[51] The number of tourists was believed to have risen again in 2019, and more are expected to visit in 2020, mainly from Asian countries.[52]

Ethical dilemma for visitors to Myanmar

Tourists avoiding visiting the country for ethical reasons to send a signal to the national government vs. negatively impacting the most vulnerable individuals who are highly dependent on income from tourism.

MYANMAR'S COUNTRY REPUTATION DUE TO POLITICS

There has been a sharp decline in international arrivals after reports of the violent conflict in the northern part of Rakhine State and allegations by the UN of "genocidal intent" against the ethnic minority of the Rohingyas[53]. International media reporting on the delicate political situation led to tourists especially from Europe and the US cancelling their visit to Myanmar for ethical reasons, which is affecting those locals depending directly or indirectly on income from the tourism industry.

However, with the decline in tourism arrivals from western countries since 2017 due to the political situation in Myanmar, there are now empty hotels and high unemployment rates in the sector. In all consultations throughout the assessment, this topic dominated the discussion, being the key concern for anyone depending directly or indirectly on the tourism industry. Low tourism arrivals and short notice cancellations are affecting individuals along the entire value chain such as restaurant and hotel staff, tour guides, souvenir sellers and tuk-tuk, horse cart and car / bus drivers. According to many, the situation is the worst it has been in the last 30 years.

Look East Policy

While western tourist numbers are declining for political and ethical reasons, the government is strengthening its Look East policy within the tourism sector. The main country of origin is now China, which is developing close ties with Chinese businesses in Myanmar and developing mass tourism which is leaving little economic and social benefits in the country (see more on "zero-dollar tourism" in 2.1).

Biased information

The consultations revealed that in general, people feel they are now being sanctioned / boycotted again by Western countries and by TOs. Almost everyone expressed worries about what they feel are biased and one-sided international media reports about the political situation in Myanmar. They are missing effective communication channels for people living in Myanmar and efforts by the government to promote tourism. Also, there is mistrust in the tourism arrival figures regularly published by the MoHT (distributing "fake" information to make the reality look better than it is).

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49 OHCHR (2019): Report of the independent international fact-finding mission on Myanmar.
50 WTTC (2019): Country Report: Myanmar.
51 MoHT (2018): Myanmar Tourism Statistics 2018.
52 Myanmar Times (2019): Tourist numbers to Myanmar rise.
53 OHCHR (2019): Report of the independent international fact-finding mission on Myanmar.

The assessment provided an overview of a variety of actual and potential human rights impacts. As mentioned above, they were then coded and clustered in impact areas. The main impact areas identified in the context of this assessment in Myanmar are summarized in Figure 7 below.[54] The x-axis (leverage) illustrates the ability of European TOs to influence the potential or actual impact. The level of leverage will influence the kind of measures TOs can take to foster the positive and mitigate the negative impacts of their operations in Myanmar. The leverage has been assessed from the perspective of a typical RT member. It can be adapted by individual tour operators based on their company structure and products offered. The y-axis (severity) indicates the potential level of severity the identified impacts might have on the people affected. Severity has been defined considering the scope, scale and irremediability of the impacts – according to current international standards.[55] The **Get Started tool** provides detailed guidance for tour operators on how to define severity[56] and leverage[57] (salient issues).
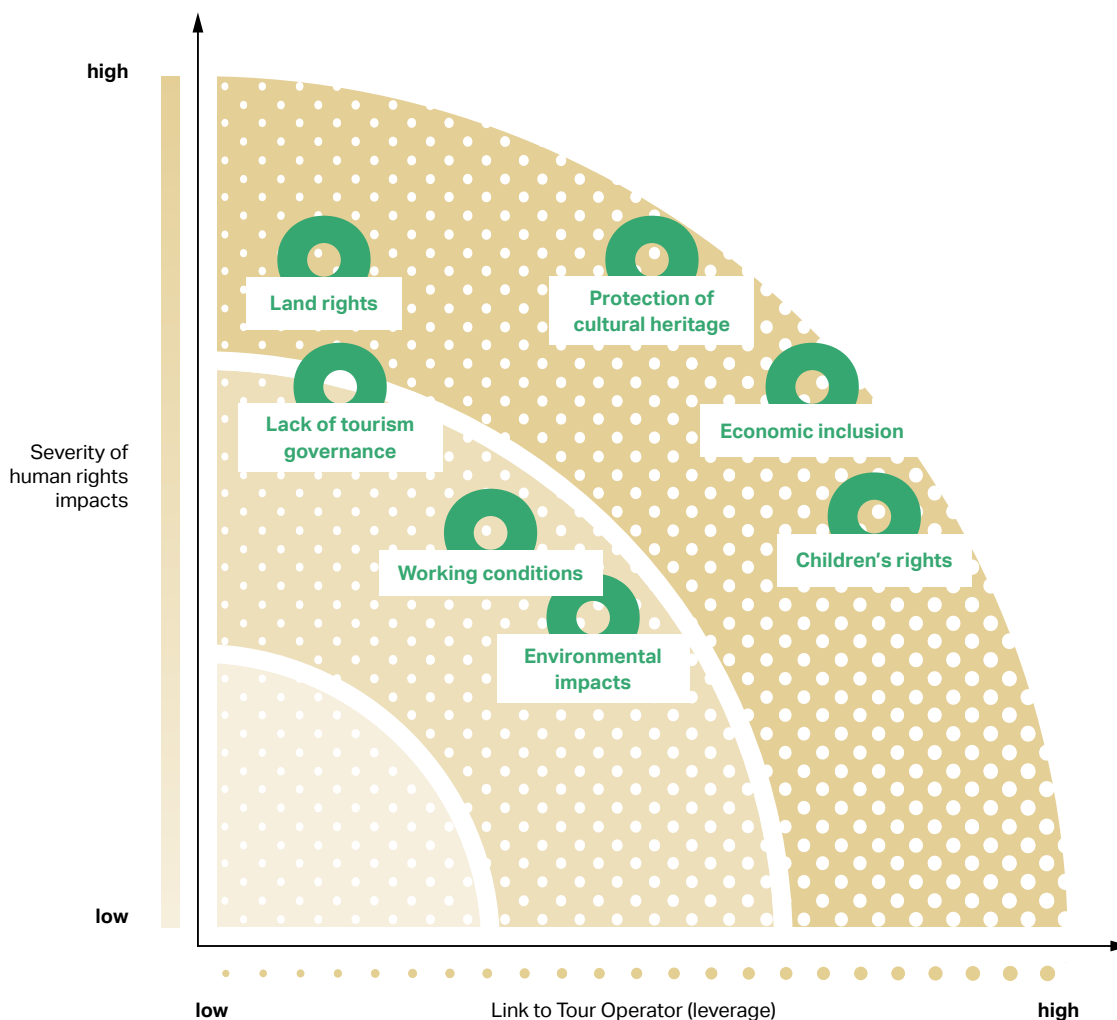

Figure 7: Overview of findings in Myanmar

54   An overview on how the identified impact areas relate to specific human rights can be found in annex II.
55   UN (2011): UNGPs; OECD (2018): OECD Due Diligence Guidance for Responsible Business Conduct.
56   RT: Download: "How to prioritise human rights issues according to their impact severity?".
57   RT: Download: "How to identify a company's ability to influence ('leverage') impacts on human rights?".

1. Children's rights

Children are known to be particularly vulnerable to impacts from tourism. Children's lives in Myanmar can be affected by tourism in different ways such as child labour in souvenir selling instead of school attendance, child begging or pictures of local children inappropriately used for tourism marketing purposes.[58] It is common for tourists to visit projects involving children or schools, which – especially in the case of monastery schools – sometimes includes orphans. According to child rights organisations, sexual exploitation of children in tourism is still present in the Burmese tourism industry.

Severity: Leverage:
medium   **high**

1.1   Key findings

- As the sexual exploitation of children in travel and tourism (SECTT) is something happening behind hidden doors, no evidence was found in the context of this assessment. However, according to a study conducted by ECPAT the issue is still relevant in the Burmese tourism industry. MRTI, ECPAT / The Code and UNICEF have organised awareness building activities on the topic;

- The old schooling system in Myanmar needing reform has been mentioned in many consultations. People wish to have a schooling system which encourages critical thinking rather than learning by heart and which builds a future generation who dares to speak up and think critically; some private / monastery schools visited are trying to do that now;

- Monastery schools are usually free of charge for families sending their children to school. Their ongoing functioning is highly dependent on donations (and sometimes also on funding from government).

School and project visits by tourists

- Tourists visiting (monastery) schools and / or projects involving children (including orphanages and volunteering) negatively impact children when there are direct interactions;

- In some places (e.g. monastery schools), all volunteers must sign a child safeguarding Code of Conduct before starting their assignment. It is however unclear how it is implemented and monitored;

- Orphanage tourism is still common; this includes volunteering in monastery boarding schools, where children live permanently.

Child labour and child begging

- Child labour, keeping children out of school, is still common in Myanmar's informal tourism sector such as souvenir selling and in family-owned restaurants and on farms. Some children are trained to tell tourists that they go to school, but in reality, they don't. This situation has been aggravated lately due to the difficulty of an income in tourism (children having to help earn money for the family instead of going to school);

- Child begging can mainly be found in cities and touristic hotspots;

- Many tourism stakeholders said they find it difficult to define as of when child labour is abusive (e.g. children helping in family restaurants or selling souvenirs after schooling hours). They are asking for clear practical guidance.

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58   For more information on children's rights in the context of doing business in Myanmar, see: MCRB (2017): Briefing Paper: Children's Rights and Business in Myanmar.

1.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Project and school visits do not negatively impact children	◦ Develop a **joint child safeguarding code of conduct** including concrete guidance (e. g. on group size, quality exchange, frequency and duration of visits) to be used by TOs when working with institutions involving children (e. g. schools, projects); Convene industry partners for a **signing ceremony** and to sensitize the local tourism industry on the topic; ◦ Use the Practical guide for preventing orphanage tourism in Myanmar.[59]	◦ MRTI ◦ Tourism Associations ◦ CSOs / UNICEF ◦ Schools ◦ Projects involving children ◦ MoHT / Ministry of Education
Avoid abusive child labour in TO value chains	◦ Develop guidance for DMCs and other tourism businesses to better understand when child labour is abusive, especially in family settings.	◦ CSOs / UNICEF ◦ DMCs
Raise awareness on sexual exploitation of children in tourism	◦ Encourage business partners to sign The Code and participate in activities of The Code in Myanmar.	◦ MRTI ◦ The Code ◦ DMCs ◦ Hotel chains
Encourage school attendance rather than work in tourism for children	◦ Discourage clients from using child guides, buying souvenirs from children and giving money to child beggars, explaining that this prevents them from going to school.	◦ MRTI ◦ UNICEF ◦ Ministry of Education ◦ DMCs ◦ Tour guides

Table 10: children's rights in Myanmar: areas of action for tour operators

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[59]   MRTI and Hanns Seidel Foundation (2017): Preventing Orphanage Tourism: the role of the Tourism Industry.

2. Economic inclusion

The potential for economic inclusion is particularly high in the Burmese tourism industry. Compared to other sectors such as mining, it is relatively easy for members of local communities to participate and get their share from tourism. The high level of informality in the sector allows people with entrepreneurial spirit to create their own business and benefit from tourism without high administrative or tax burdens – while at the same time their vulnerability is high.

Severity: Leverage:
medium   **high**

2.1   Key findings

∘ Apart from the fact that there has been a significant decline in international arrivals from Europe (see above), the high level of informality in the sector can potentially be considered an opportunity for the economic inclusion of the people of Myanmar. Low barriers of entry allow for tourism spending benefitting the people directly. Tourism therefore has the potential to contribute significantly to the future of Myanmar by creating jobs and growing the economy;[60]

> "Our company is like a tree: many birds can breed in it."
>
> Manager at DMC

∘ In many places, informal workers (e.g. souvenir sellers, horse cart drivers) are well organised (e.g. in associations) and show a high level of solidarity (e.g. they share their incomes);

∘ Tourism allows for women empowerment and changing social norms where female entrepreneurs organise themselves, some well supported by their husbands. At Inle Lake for example, women created an association called INEP aiming at acting as role models for other women, organising training (self-assurance, business management etc.) and peer learning events;

∘ The untransparent use of shopping commissions exacerbates imbalanced power structures, unequal distribution of income and conflicts due to unethical behaviour;

∘ Very high price pressure felt in the entire value chain and leading to diminishing incomes (e.g. tour guides receive less from DMCs; DMCs complain about the price pressure from TO).

> "We need to involve women equally in our tourism businesses, not like my father's and grandfather's generation. It's like a battery: we need a + and a – …
> My clients teach me about equality, that's why I can think like this."
>
> Male manager at DMC

Brain drain

The low tourism numbers and limited job opportunities to accommodate Chinese tourists are leading to high unemployment within the sector. Many individuals consulted for this HRIA – some freshly trained in tourism (e.g. vocational hospitality training / tour guides) – are looking for alternative jobs in other sectors and / or are thinking about emigrating to find jobs abroad (e.g. on cruises, on fishing boats in Thailand, in Japan). Many are reported to have left the

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60   CBI – Ministry of Foreign Affairs (NL) (2018): Tourism value chain report: Myanmar.

country already to earn an income for their families.

Zero-dollar tourism

- Zero-dollar tourism was mentioned as a key issue by a big majority of the stakeholders consulted. They are referring to mainly Chinese groups who partner with businesses in the entire tourism value chain owned by Chinese only (including transportation companies, tour guides, hotels, restaurants, souvenir shops, Chinese mobile applications for direct payments) and consume nothing locally (economic leakages);

- Burmese people complain about the negative impacts of this zero-dollar tourism (e.g. waste, inappropriate behaviour of big groups) with zero economic benefit. This is however not the case for the European tourism market;

- The "Look East policy" of the Myanmar government was criticised for contributing to the increase in zero-dollar tourism.

> "This year we need to take any work that we can get. When there are no tourists, we work in restaurants or cutting wood from the forests."
>
> Street seller in Mingun

Crony business, international investments and corruption

- Many hotels are owned by individuals, who often also own construction and gems/jade companies, and who have acquired their wealth through close relationships and family connections with members of the former military government, who in some cases have undeclared shareholdings;

- These hotels have also been able to obtain prime locations, including through land grabs by the former military government;

- Although significant employers of local people, some owners of large hotels tend to collude with government to prevent locals from offering lower cost and smaller accommodation, particularly to the foreign market, for example by opposing the relaxation of government regulations requiring 'guesthouse' accommodation for foreigners to have at least ten rooms and a licence from the Tourism Ministry.

Souvenir production and provenance

- It has been found that "local souvenirs" and their raw materials do not necessarily come from Myanmar – or they come from contested regions in Myanmar: e.g. cotton from India, silk from China, lacquer from regions managed by mafia-like structures;

- Some souvenirs are not produced in showrooms as advertised, but in big factories (e.g. lotus shawls at Inle lake produced in factories with 200 employees).

> "Our CBT made us understand about the necessary things for our villages such as waste management."
>
> Community member, CBT

Community impacts

- Assuming that international arrivals from Europe will rise again, a high potential for economic inclusion can be seen in the development of well-managed responsible CBTs (see box "CBT development in Myanmar").

COMMUNITY-BASED TOURISM (CBT) DEVELOPMENT IN MYANMAR

CBT opportunities

○ If done well and with adequate participation, CBTs can be very beneficial for local populations: community building, participation, progress in villages, increased income, women empowerment etc.;

○ CBT success factors: villages forming associations, rotating system for fair distribution of income, training, focus not only on tourism but alternative sources of income to increase income security (e.g. farming, weaving); comprehensive waste management; credible CBTs aim to hand over the management after approximately 15 years to the community;

○ Well-managed CBTs allow for women empowerment (e.g. CBT Myaing): income is provided to women based not only on tourism but also on other activities such as weaving (diversification);

○ Currently, there are about 40 projects in the country that call themselves CBT; nine of them have an official permit / certificate[61];

○ A CBT standard has been developed for Myanmar (not yet published) and a "CBT / Sustainable Tourism Network" is convening every second month.

CBT challenges

○ Current regulation does not allow for homestays (more than 10 rooms needed for guesthouse licence) and hinders CBT development. Some flexibility in the context of CBTs is possible ("semi-homestays");

○ Communities dependent on government decisions, little influence and bad communication (e.g. CBT village waiting for electricity since 2017, even though paid already);

○ CBT development seen as new competition by hotels: they do not have to follow the same rules (e.g. no taxes);

○ Lack of transparency with communities regarding benefits, risks and challenges of CBT.

2.2 Potential measures for TOs

Aspired outcome	Potential measures for TOs	Potential partners
Foster local participation in tourism industry (increased income and job security)	○ Work with social enterprises to provide local population direct access to tourism industry; ○ Choose locally owned (micro-)SME business partners on the ground and work with smaller businesses; ○ Favour hotels which have built local supply chain linkages; ○ Collaborate with local DMCs to enhance the number of locally owned businesses in the value chain; ○ Introduce fair pricing including firm orders to share the risks related to tourism fluctuation; ○ Promote inclusivity through partnerships with communities.	○ Hla Day ○ Recyclo ○ DMCs

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61 See MoHT's CBT website.

Aspired outcome	Potential measures for TOs	Potential partners
Increase the **offer** of inclusive and responsible tourism products	◦ Go beyond the signature of Supplier Code of Conduct to promote inclusive and responsible tourism; ◦ Promote 'Do-No-Harm' (DNH) Toolkit;[62] ◦ Carefully check CBT projects on their sustainability and inclusiveness (based on respect, equality and empowerment) before working with them; ◦ Collaborate with the CBT Network to improve market access for CBTs; ◦ Support the development of responsible products.	◦ CBT Network ◦ DMCs
Increase the **demand** for inclusive and responsible tourism products	◦ Encourage clients to buy locally produced souvenir and give guidance on fair prices / bargaining; ◦ Encourage clients to eat out in local restaurants; ◦ Encourage business partners to source locally and responsibly (e.g. hotels); ◦ Train tour guides on how to encourage responsible and inclusive behaviour of tourists.	◦ DMCs
Avoid strengthening abusive **crony business** through business relationships	Conduct enhanced supplier checks when working with 4–5* hotels (e.g. ownership structures, links to military, based on grabbed land, corruption).[63]	◦ MoHT ◦ DMCs ◦ European TOs ◦ DMOs ◦ CSOs
Improve **market access for SMEs** to European market	Organize workshop with tourism SMEs on digital marketing.	◦ CBI-project (Travelife for TOs) ◦ MRTI
Improve the image of the country as a tourism destination	◦ Communicate statistics and stories about how by visiting and spending dollars, tourists are helping ordinary people's lives and incomes; ◦ Make CEO statements and commitment to foster responsible travel to Myanmar; ◦ Build a dialogue on the situation between outgoing TOs in Europe and DMCs in Myanmar: participate in joint event organised by the RT at ITB 2020.	◦ International / European media ◦ RT ◦ DMCs

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[62] The Business Innovation Facility (2017): Do No Harm: A Toolkit for the Tourism Industry.
[63] The Burma Campaign Boycott list contains a small number of tourism businesses only – additional due diligence is required by TOs.

Human Rights Impact Assessment in Thailand and Myanmar

Aspired outcome	Potential measures for TOs	Potential partners
Encourage informed choices	◦ Provide clear, honest and transparent information about the situation in the country.	◦ DMCs ◦ MRTI ◦ European tourism associations ◦ European TOs

Table 11: economic inclusion in Myanmar: areas of action for tour operators

3. Protection of cultural heritage

Tangible and intangible cultural heritage is the main reason that tourists come to Myanmar and therefore it is considered as a key asset for tourism development in the country. Besides culturally inappropriate tourism-related activities and disrespectful behaviour by tourists, at the forefront of the conversations have been various issues related to the recent nomination of Bagan as UNESCO World Heritage site as well as how tourism can positively contribute to the protection of cultural heritage. Concerns are high that once destroyed, cultural heritage cannot be restored.

Severity: Leverage:
high   **medium−high**

3.1   Key findings

Protection of intangible cultural heritage

◦ Culturally inappropriate tourism-related activities and disrespectful behaviour by tourists includes poor behaviour in temples and monasteries. Stakeholders mentioned this issue was mainly related to the influx of large Chinese visitor groups;

> "Tourists come to Myanmar because of Bagan."
>
> Member of the Cultural Heritage Group, Bagan

◦ Regarding Western tourists, the main issue raised was related to them dressing inappropriately in pagodas (1 out of 5 tourists do not follow the rules according to a pagoda trustee);

◦ Fishermen at Inle lake posing for tourists and becoming "fake" tourist attractions (paid by tour guides).

Protection of tangible cultural heritage

◦ Myanmar has a wealth of cultural heritage sites which are being visited by both domestic and international tourists. Through this interest and the collection of donations, the sites can potentially be protected. If not protected and managed well, the influx of tourists can however damage heritage sites;

- While this is relevant for many big and smaller sites across the country, the situation in Bagan with its nomination as a UNESCO World Heritage site in June 2019[64] has been in the focus for this assessment (see box on UNESCO World Heritage in Bagan);

- A general lack of tourism management at cultural sites has been observed in the context of this assessment, including at the Bagan UNESCO-site.[65]

UNESCO WORLD HERITAGE IN BAGAN

In order to successfully get listed by UNESCO in June 2019, the government of Myanmar had to submit its UNESCO Management Plan for Bagan[66], which must be implemented by 2028. The latter contains a tourism strategy to be implemented for the site.

Opportunities

- UNESCO nomination of Bagan is generally welcomed by all stakeholders consulted and many see it as great potential for the protection of cultural heritage (including funding coming from countries such as China, India and Japan) and for further development of tourism;

- Within the Bagan Cultural Heritage Group, an "anti-corruption committee" was established to fight corrupt practices in the area.

Challenges

A lot of **mismanagement** seems to have happened in Bagan prior to the UNESCO listing (20 years needed for the nomination), which led to conflicts and scepticism about a proper implementation of the UNESCO Management Plan. Major issues raised by the people consulted included the following:

- **Unclear responsibilities** between the various actors involved in the management of Bagan (central government vs. regional and local government, Ministry of Religious Affairs and Culture vs. MoHT etc.) leading to unclear decision-making processes (e. g. who gives permission when it is sought for activities) and regional / local government not receiving their share of the fees raised from tourist entry into Bagan (instead it goes directly to the central government);

- According to the UNESCO requirements, a **Bagan Regional Management Committee** with representatives from the local community needs to be set up to manage the implementation of the Management Plan. It seems however unclear how this will be managed and who is responsible;

- Various **land rights** issues around the UNESCO site in Bagan (see 7.1);

- Forced displacement by and the power of **crony business** ("crony land") in the area (e. g. existing and ongoing hotel construction in the protected zone);

- Disagreement about locations for tourists to see the Bagan landscape from elevated positions;

- After the prohibition to climb pagodas, fake hills were built in the protected zone for tourists which are very controversial (expensive, digging in protected area etc.);

- Calls for the reopening of some pagodas to be climbed if safe and stable enough (also creating jobs for trustees).

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64 See UNESCO Management Plan for Bagan, including its tourism strategy: The Republic of The Union of Myanmar (2019): Nomination Dossier for Inscription on the World Heritage List, Bagan, Volume III, Annex R, The Integrated Management Framework (Management Plan).

65 See the case study of Bagan tourism for more details on recent tourism development in Bagan: Myo Aung: Lincoln University College, Malaysia and RSIM, Myanmar (2018): Strategies to survive and thrive of Myanmar tourism GDP: Case study of Bagan tourism.

66 UNESCO Management Plan for Bagan, including its tourism strategy: The Republic of The Union of Myanmar (2019): Nomination Dossier for Inscription on the World Heritage List, Bagan, Volume III, Annex R, The Integrated Management Framework (Management Plan).

STRATEGY POINTS OF THE UNESCO MANAGEMENT PLAN FOR BAGAN

Within the UNESCO Management Plan[67], a strategy document has been established and adopted to ensure sustainable tourism development in and around the heritage site of Bagan. Tourism accommodations shall follow these provisions:

∘ *"Tourist accommodations within the town areas and home-stay in the villages shall be allowed as per the new legal framework being developed for Bagan. This will however be strictly controlled to ensure appropriate scale and compliance to the building bylaws while ensuring minimum impact on monuments and subsurface archaeology;*

∘ *Large hotels and resorts shall be should be allowed only outside the heritage area. Planning provisions shall be made for good accessibility of the main heritage site from the peripheral areas where hotels might develop such as on either side of the Ayeyawady River upstream towards Pakokku and downstream towards Chauk;*

∘ *All hotels and resorts located within the site, excluding those in towns that conform to the legal provisions, must be phased out by 2030. All further work on such resorts must stop. The hotels shall be entirely removed, and the area shall be rehabilitated to become an archaeological area again. Procedures need to be clarified with the respective owners."*

3.2 Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Tourist are respecting local culture	∘ Disseminate the Do's and Don'ts for Tourists in Myanmar to clients.[68]	∘ MRTI / MCRB ∘ DMCs
Contribute to the protection of archaeological sites through tourism	∘ Do not contract hotels located in contravention of the conditions in Myanmar's UNESCO listing for Bagan (i.e. inside the site)[69] or that are linked to land grabbing'; ∘ Build collaborations with other hotels and restaurants to show viable alternatives.	∘ DMCs
Tourists are respecting and protecting Bagan as cultural heritage	Inform customers of: ∘ the history of Bagan's UNESCO listing; ∘ how to protect cultural heritage; ∘ how to dress appropriately (provide do's and don'ts; see guidebook being developed for Mrauk U).	∘ MRTI / MCRB ∘ UNESCO ∘ Department of Archaeology ∘ DMCs

67 UNESCO Management Plan for Bagan, including its tourism strategy: The Republic of The Union of Myanmar (2019): Nomination Dossier for Inscription on the World Heritage List, Bagan, Volume III, Annex R, The Integrated Management Framework (Management Plan).

68 MoHT, Hanns Seidel Foundation: Dos and Don'ts in Myanmar.

69 See Box above and the requirements for tourist accommodation in the UNESCO Management Plan for Bagan, p. 405: The Republic of The Union of Myanmar (2019): Nomination Dossier for Inscription on the World Heritage List, Bagan, Volume III, Annex R, The Integrated Management Framework (Management Plan).

Aspired outcome	Potential measures for TOs	Potential partners
Build awareness of local population in Bagan on cultural heritage	◦ Support the development and dissemination of a guidebook for the protection of cultural heritage in Bagan (cf. guidebook being developed for Mrauk U).	◦ MRTI
Push for a proper implementation of the UNESCO Management Plan in Bagan	◦ Request clear accountability and information on decision-making processes for the implementation of the UNESCO Management plan[70] and the tourism strategy; ◦ Ask for transparency and the state of implementation; ◦ Engage with other actors to raise issues related to its implementation.	◦ RT ◦ MRTI ◦ MoHT ◦ Department of Archaeology ◦ UNESCO

Table 12: protection of cultural heritage in Myanmar: areas of action for tour operators

4. Environmental impacts
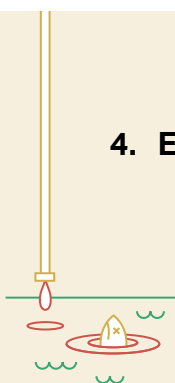
Tourism in Myanmar is affecting the environment in many ways and might lead to a loss of livelihood for local inhabitants (e.g. overfishing and pollution of Inle Lake impacting fishermen's income). Due to the lack of environmental and waste (water) management in the destination areas, the arrival of tourists exacerbates the situation.

Severity: Leverage:
medium   **medium**

4.1 Key findings

◦ Many issues were raised related to the lack of environmental and waste management in tourism destination areas, including unsightly plastic pollution, and the impacts of burning leaves and waste on air quality. This is a problem especially in the dry season. Some air monitoring has now been established;[71]

> "If you destroy the environment, you lose your tourism project forever."
>
> DMC branch manager and entrepreneur

◦ While some small-scale recycling projects can be found (e.g. in Yangon and Bagan), recycling options are generally very limited across the country;

◦ Tourism actors have launched a water saving movement called "Yay Chan Sin" to encourage water saving and reduction in the use of water bottles in the Burmese tourism industry. It is part of an international movement called Refillnotlandfill;[72]

[70] The Republic of The Union of Myanmar (2019): Nomination Dossier for Inscription on the World Heritage List, Bagan, Volume III, Annex R, The Integrated Management Framework (Management Plan).
[71] See an example of air monitoring here: Purple Air Map.
[72] RefillTheWorld: Refill not Landfill campaign.

◦ Environmental impacts in and around Inle Lake were emphasized by many stakeholders, these include overfishing and pollution of Inle Lake, water scarcity and lowering of the water level in the lake due to hotel zone construction (project stopped);

◦ Regarding animal welfare, tourism actors find it difficult to understand what is acceptable and what is not, so more practical and concrete guidance is requested (e.g. How to deal with former working elephants in elephant camps?).

4.2 Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Foster sustainable local agriculture by including them in the tourism value chain	◦ Work with partners who buy local, organically grown food.	◦ DMCs ◦ Local businesses ◦ ITC project Shan state
Improve waste management in tourism destinations	◦ Design clear policies and guidance on what is expected regarding waste management from partners in the destination areas; ◦ Work with recycling projects wherever available for managing waste.	◦ Relevant local, regional and national public authorities ◦ MRTI
Local government bodies understand the importance of waste management	◦ Encourage public authorities and tourism associations to put in place a functioning waste management system and the adoption of waste, water and air quality management plans.	◦ MoHT ◦ Union of Myanmar Travel Association (UMTA)
Reduce food waste in hotel and restaurants	◦ Prioritise business partners with acceptable food waste management policies in place; ◦ Encourage hotels and restaurants to introduce food waste management policies.	◦ Hotels ◦ Restaurants ◦ DMCs
Hotels improve water management and reduce consumption	◦ Deliver workshops for hotels and tourism service providers on water saving measures; ◦ Disseminate water management guidelines to hotels and begin measurement activities with key hotel partners. Incentivise hotels; ◦ Foster collaboration between the private sector and government to ensure better water management.	◦ DMCs ◦ MRTI ◦ TOs ◦ Local tourism associations ◦ Local authorities
Business partners implement measures to reduce waste and to foster circular economy	◦ Train business partners on waste management; ◦ Address issue with associations in the tourism sector and join forces with other TOs to reduce waste in tourism; ◦ Inform customers about appropriate behaviour and how to be respectful towards the environment.	◦ DMCs ◦ TOs ◦ MRTI ◦ Local tourism associations ◦ Local authorities

Table 13: environmental impacts in Myanmar: areas of action for tour operators

5. Working conditions

Tourism-related workers in general have low wages and they do not have written employment contracts or labour rights protection in Myanmar. Often, they work on a daily basis and they bear their own risks such as fluctuations in tourism numbers, seasonality and insurance.

Severity:
medium

Leverage:
medium–low

5.1 Key findings

- Workers in international hotel chains and big hotels are the only ones who potentially have proper working contracts as they have job security and the possibility to grow in their jobs / change departments etc.;

- On-the-job training should be possible for inexperienced staff, also in smaller hotels / restaurants;

- There are many family businesses who hand over their activity from generation to generation (e. g. horse cart drivers, souvenir sellers, boat drivers);

- Unemployment rates of young people are currently high in the country. This includes freshly trained young tour guides and hospitality workers. Even though highly motivated and well-trained to work in the industry, they are now considering alternatives, often abroad;

- Informal workers have no tax burden (no obligation to pay taxes for such small entrepreneurs);

- Often informal workers are well organised (associations).

Wages

- Wages are generally low for employees in the tourism industry: no mandatory minimum wage (for small enterprises and family-owned businesses with ten or less employees)[73], lack of income security;

- Entire families depend on the income from tourism, which leads to financial shortages for many of the people we consulted now that tourism is down. Secondary incomes in other sector are sought which do not depend on tourism (e. g. weaving at home, going abroad as migrant worker). In the places visited, there are few alternative jobs which do not depend on the tourism industry;

- High reliance on tips (e. g. drivers) for income (can be 4–5 times the income).

> "Tourists think that drivers earn a lot of money, more than souvenir sellers for example, as we dress neatly and drive nice cars – but this is not ours. We suffer and it is also hard for our families."
>
> Driver in Bagan

Working hours / labour rights protections

- Most informal workers are working every day without their weekly day off. In high season for example, drivers drive as much as possible to be able to save money for off-season. Often, they drive back throughout the whole night and then take new clients straight away for another transfer. Sleeping in the car when there are little breaks is normal;

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73 Otherwise a minimum wage of 4,800 Kyat per working day with eight working hours (i.e. 600 Kyat per working hour) applies since May 2018: Luther (2018): Myanmar news: New minimum wage in Myanmar.

- Lack of occupational health and safety provisions e.g. for souvenir producers such as wood carvers, gold leaf producers;

- Limited labour rights protection: there is almost no form of workers' organisation in the tourism industry of Myanmar. Only workers in big hotels are sometimes unionized. However, there are reports of cases where workers were dismissed for being members of trade unions;

- Mechanisms for raising complaints are generally missing. Employees don't dare to raise their voice for fear of being fired. This is also true for tour guides when talking openly to their customers about the real (political) situation in the country.

Discrimination

- Discrimination based on societal attitudes towards a specific group such as religious minorities (e.g. Muslim community) was mentioned in some consultations. Stakeholders reported that since 2012, it has been difficult for Muslims to obtain building licences. New building licences are often given to Buddhist companies (some are then in turn subcontracted to Muslim companies);

> "If problems stay and people don't have income again to earn a living in Bagan, we fear that crime rates will go up."
>
> Tour guide in Bagan

- Women usually stop working after marriage to focus on the household and the family;

- There is sexual harassment of female workers in tourism (including cleaners, massage services) and there are no proper mechanisms for women to raise complaints or grievances;

- Even though it was mentioned by some stakeholders that internal migrants are at higher risk of exploitation was mentioned by some stakeholders, not much evidence was found in the context of the on-site assessment;

- Inclusive tourism was mentioned to have the potential to foster equal opportunity in the workplace, change societal attitudes in communities and send signals to wider Myanmar society.

5.2 Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Contribute to a more equal distribution of income from shopping	- Adopt a zero-tolerance policy regarding shopping commissions.	- DMCs - Tour guides
Foster formalized working conditions in tourism value chain	- Encourage local business partners to offer proper work contracts to employees (formalize employment); - Advocate for proper medical and other insurance plans, especially for locals working in the tourism industry.	- DMCs

Aspired outcome	Potential measures for TOs	Potential partners
Business partners improve working conditions for their workers	◦ Develop supplier code of conduct and make sure it is signed and implemented by business partners; ◦ Make sure that contracted hotels and other service providers comply with national labour laws; ◦ Train key suppliers in supplier code of conduct, with a focus on adequate working conditions; ◦ Provide training on working conditions to key business partners in collaboration with other tourism companies and local organisations, using the Guideline for Hoteliers.[74]	◦ MRTI / MCRB ◦ Tourism associations ◦ TOs ◦ DMCs
Working conditions of drivers	◦ Make sure maximum driving hours are respected and that itineraries are feasible within the regulated driving hours. Apply RT guidance on driving personnel.[75]	◦ DMCs ◦ Transportation companies
DMC develop their own CSR policies and respect human rights	◦ Support DMCs to develop their own CSR policies and human rights due diligence process based on the findings of this report. Support certification; ◦ Promote the "Practical Guide for Responsible Management of Tour Operators in Myanmar";[76] ◦ Provide training on human rights and promote RT Tools.[77]	◦ Travelife for TOs / CBI ◦ DMCs

Table 14: working conditions in Myanmar: areas of action for tour operator

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[74] MRTI, Hanns Seidel Foundation and ASEAN CSR Network (2017): Responsible Tourism and Human Rights in Myanmar: Guideline for Hoteliers.

[75] RT (2016): Human Rights in Tourism – An Implementation Guideline for Tour Operators.

[76] MoHT, MTF and Hanns-Seidel- Foundation (2015): Manual. A Practical Guide for Responsible Management of Tour Operators in Myanmar.

[77] RT: "Get Started" tool.

6. Lack of tourism governance

Tourism governance is generally weak throughout the country with the risk of leading to mismanagement, destruction of habitat and unequal distribution of benefits from tourism. DMOs are weak or absent and there is a lack of tourism know-how within the ministries involved. The new Myanmar Tourism Law[78] which came into effect in September 2018 allows for more decentralisation with a tourism working committee in every region.

Severity: Leverage:
medium–high   **low**

6.1   Key findings

○ Stakeholders feel that tourism development is not seen as priority by the government (focus is on mining) and that there is a lack of effort by the government to promote tourism;

○ Lack of coordination among ministries involved in tourism development and management: More effective collaboration between different ministries is needed for effective tourism governance;

○ While the new Tourism Law technically allows for a more decentralized management of tourism through the regional tourism working committees, the structures are not yet functioning properly in reality. Tensions have been mentioned between regional / local and central government; people claim that central government doesn't understand the reality on the ground;

> "We want to welcome all guests to our country – also Chinese and backpackers. But it needs to be managed."
>
> Tour guide in Bagan

○ Corruption hindering effective tourism governance: Land issues / crony business[79] etc. leading to general mistrust in Ministries / authorities;

○ Lack of tourism skills and experience within the MoHT (both, at regional and national levels) and a lack of professionalism in the tourism associations (lack of innovation);

○ Lack of effective destination management by DMOs: Lack of competencies, one-sided short-term growth orientation, lack of knowhow of destination management, inadequate financial resources;

○ Lack of tourism governance linked to cultural heritage sites (see 3. "Protection of cultural heritage");

○ Political decisions (fares for air tickets, airline connections, visa regulations, etc.) have big impact on tourist arrivals in Myanmar; local population / tourism actors cannot participate in these decisions.

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[78]   MoHT (2018): Myanmar Tourism Law. English Version.
[79]   Often military owned businesses with a strong nexus to the political class, using state power and concessions e. g. for managing building permits.

6.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Improve local knowledge on decentralised tourism governance	◦ Provide technical support to members of regional parliaments / MoHT; ◦ Organise direct exchange (event?) with counterparts in other countries for mutual learning and exchange of experience, with a focus on decentralisation (good practice, lessons learnt, challenges).	◦ MoHT ◦ European embassies in Myanmar
Fostering the development of strong DMOs	◦ Actively contribute to activities developing participatory approaches to the development of DMOs and provide sector expertise / share experience from other countries.	◦ Hanns Seidel Foundation ◦ MoHT ◦ Regional Tourism Working Committees / Sustainable tourism hubs
Improve collaboration between tourism stakeholders and allow for mutual learning	◦ Collaborate with the RT, MRTI and other tourism stakeholders to align priorities and activities for responsible tourism development in Myanmar (multi-stakeholder set-up), using the "Practical guide for facilitators and change agents of stakeholder dialogues in Shan State / Myanmar and beyond";[80] ◦ Participate in local consultations and workshops, share good practice and lessons learnt from other regions / countries in tourism governance.	◦ MRTI ◦ DMCs ◦ MoHT ◦ Myanmar Tourism Federation (MTF) ◦ RT
Encourage the creation of complaints and grievance mechanisms for tourism stakeholders	◦ Encourage the tourism supply chain to maintain operational grievance mechanisms consistent with the UNGPs, and seek updates on their implementation;	◦ Business partners
Avoid contributing to corrupt practices	◦ Introduce strict rules for avoiding corrupt practices in business relationships (Code of Conduct); ◦ Produce a brochure for TO staff and business partners with illustrated situations and how to react; ◦ Train internal as well as DMC staff appropriately, with a specific focus on the Burmese context.	◦ MCRB / MRTI ◦ DMCs
Avoid contributing to conflict through tourism activities	◦ Commit to the principles outlined in the Do No Harm Toolkit developed by the Business Innovation Facility;[81] ◦ Use the RT's Guideline for Tourism in Fragile Contexts[82] to raise awareness internally and with local DMCs.	◦ DMCs

Table 15: lack of tourism governance in Myanmar: areas of action for tour operators

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80   MoHT and GIZ (2016): Manual communication management for multi-stakeholder processes in tourism: A practical guide for facilitators and change agents of stakeholder dialogues in Shan State / Myanmar and beyond.
81   The Business Innovation Facility (2017): Do No Harm: A Toolkit for the Tourism Industry.
82   RT (2016): Human Rights in Tourism – An Implementation Guideline for Tour Operators.

7. Land rights

There have been many cases of conflicts related to areas of land compulsorily and illegally acquired for the development of tourism infrastructure in the past years.[83] While land is often a significant asset for rural communities, they are vulnerable to exploitation and have limited protection or evidence to prove prior land ownership. Concerns have been raised particularly related to corruption and land allocation in Bagan's archaeological zone and its recent nomination as a UNESCO World Heritage site.

Severity: Leverage:
high   **low**

7.1   Key findings

◦ Myanmar has a history of problematic land appropriation without consent (e. g. missing grievance mechanisms, forced displacements by crony businesses, no compensation of local population missing grievance mechanisms) linked to the development of new tourism installations (e. g. hotel boom);

◦ Forced displacement by crony business ("crony land") seen by many as one of the biggest issues in tourism development (e. g. "cultural crimes" by crony hotels in Bagan protected zone; see 3.1). Often communities have no evidence for prior land ownership. Economic power imbalances, political connections and corruption exacerbate their vulnerability;

◦ Land issues were mentioned in coastal regions, where tourism is being developed (but those regions were not the focus of this assessment).

Land rights issues related to the UNESCO World Heritage site in Bagan

◦ Various land rights issues and forced displacement of people living in the protected zone: construction of tourism infrastructure (including new hotels) is still happening within the protected zone despite prohibitions. One main example mentioned by many was the construction of the "crony tower" for tourists to watch the sunset (Aureum Palace Resort);

◦ The Cultural Heritage Group in Bagan started a signature campaign against the current construction of a hotel in the protected zone (harming the archaeological site) with more than 8,000 signatures collected and sent under the name of the anti-corruption committee to the Minister of the Mandalay region without receiving a reply.

7.2   Potential measures for tour operators

Aspired outcome	Potential measures for TOs	Potential partners
Avoid complicity in land rights issues	◦ Commit to zero tolerance with business partners linked to land grabbing; ◦ Ask local business partners (e. g. DMCs) to provide information on past and current incidences related to land rights at business partners in the destinations;	◦ DMCs ◦ Business partners

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[83] Illegal means not in line with international standards such as IFC Performance Standard 5 (e.g. process and compensation for loss of land and livelihoods).

Aspired outcome	Potential measures for TOs	Potential partners
	◦ Conduct enhanced due diligence for large business partners and 4–5* hotels in Myanmar regarding land use, current and previous ownership and usage considering the impact on local people. Where potential risks can be identified, engage with local people directly to understand the situation; ◦ Avoid hotels and restaurants that are proven to be linked to land grabbing or that are located in archaeological site of Bagan in contravention of the UNESCO Management Plan.[84]	
Raise awareness on land rights-related issues in the UNESCO zone of Bagan	◦ Pro-actively address concerns related to land rights issues in Bagan with local tourism stakeholders (including government) and business partners.	◦ Government ◦ tourism associations ◦ Hotels ◦ DMCs

Table 16: land rights in Myanmar: areas of action for tour operators

D   TYPES OF MEASURES AND PARTNERS FOR TOUR OPERATORS

The kind of measures that can be taken by a TO depend largely on its **leverage** on a specific impact:[85] There are areas where TOs have a direct impact on people, such as on their own workforce; and there are areas where TOs contribute to an impact through suppliers and where they need the buy-in and support of business partners when implementing measures. In other areas TOs are linked to impacts related to wider issues[86] and challenges such as land rights or environmental impacts. To address such cumulative impacts, TOs can leverage opportunities and build partnerships with other actors to increase their individual influence and commonly work on solutions. The **Get Started tool**[87] provides detailed guidance for TOs on how to define their individual leverage.[88] The table below gives an indication of types of measures that could be taken by TOs and the kind of collaboration by partners on each of the impact areas identified in Thailand and Myanmar. More detailed measures can be found in chapters B and C above. Based on the individual assessment of its own leverage, each TO can select the most appropriate measure.

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84 The Republic of The Union of Myanmar (2019): Nomination Dossier for Inscription on the World Heritage List, Bagan, Volume III, Annex R, The Integrated Management Framework (Management Plan).
85 See Figures 6 and 7 for more information on the leverage identified per issue area in Thailand and Myanmar.
86 Also referred to as "cumulative impact".
87 RT: HRIA tool.
88 RT: Download: "How to identify a company's ability to influence ('leverage') impacts on human rights?".

Thailand

Impact area	Severity	Leverage	Type of measure	Key partners
Economic inclusion	Medium	High	◦ Product development ◦ Customer information ◦ Adapting buying practice ◦ Business partner training	◦ DMCs ◦ Business partners ◦ Tourism associations
Loss of cultural identity	Medium	Medium–high	◦ Customer information ◦ Product development ◦ Business partner training	◦ DMCs ◦ Business partners ◦ CSOs/local communities
Working conditions	Medium–high	Medium–high	◦ Business partner due diligence ◦ Adapting buying practice ◦ Business partner training	◦ Certification schemes ◦ DMCs ◦ Business partners ◦ Tourism associations
Environmental impacts	Medium	Medium–low	◦ Influencing policy ◦ Awareness raising ◦ Business partner training ◦ Customer information	◦ Government ◦ Tourism associations ◦ Business partners ◦ CSOs
Children's rights	Medium–high	Medium	◦ Sensitising ◦ In-house training ◦ Foster dialogue ◦ Customer information ◦ Business partner due diligence	◦ DMCs ◦ Business partners ◦ Multi-stakeholder Initiatives (MSI)/CSOs ◦ International Organisations ◦ Tourism associations
Sexual harassment and discrimination	Medium	Medium–low	◦ Sensitising ◦ Customer information ◦ Business partner training	◦ Business partners ◦ Tourism associations ◦ DMCs
Land rights	High	Medium–low	◦ Influencing policy ◦ Foster dialogue ◦ Business partner due diligence ◦ Adapting buying practice	◦ Government ◦ Business partners ◦ CSOs/local communities ◦ DMCs

Myanmar

Impact area	Severity	Leverage	Type of measure	Key partners
Children's rights	Medium	High	◦ Business partner due diligence ◦ Adapting buying practice ◦ Business partner training ◦ Customer information	◦ DMCs ◦ Business partners ◦ MSI / CSOs ◦ International Organisations
Economic inclusion	Medium	High	◦ Business partner due diligence ◦ Adapting buying practice ◦ Product development ◦ Business partner training ◦ Customer information	◦ DMCs ◦ Business partners ◦ Tourism associations
Protection of cultural heritage	High	Medium–high	◦ Business partner due diligence ◦ Adapting buying practice ◦ Customer information ◦ Influencing policy	◦ DMCs ◦ International Organisations ◦ Government ◦ Tourism associations
Environmental impacts	Medium	Medium	◦ Business partner training ◦ Customer information ◦ Sensitizing / awareness raising ◦ Influencing Policy	◦ Government ◦ Tourism associations ◦ Business partners ◦ DMCs
Working conditions	Medium	Medium–low	◦ Business partner due diligence ◦ Adapting buying practice ◦ Business partner training	◦ Certification schemes ◦ DMCs ◦ Business partners ◦ Tourism associations
Lack of tourism governance	Medium–high	Low	◦ Influencing policy ◦ Sensitizing / awareness raising ◦ Foster dialogue ◦ Inhouse training	◦ Government ◦ Tourism associations ◦ MSI / CSOs ◦ International Organisations
Land rights	High	Low	◦ Business partner due diligence ◦ Adapting buying practice ◦ Sensitizing / awareness raising ◦ Influencing policy	◦ Government ◦ DMCs ◦ Business partners ◦ CSOs / local communities

Table 17: types of measures and partners for tour operators

Human Rights Impact Assessment in Thailand and Myanmar

E   LESSONS LEARNT

The Roundtable Human Rights in Tourism (RT) commits itself to act as a contact point for concrete questions related to the planning and implementation of value-chain-based HRIAs in destinations. RT offers support in identifying possible local supporters, organisations and networks, and interested tour operators with similar portfolios, in accompanying the HRIA concept phase, as well as in making the findings available to the industry at the end of the process. This service is free of charge to RT members. Non-members can be supported within the framework of individual service fee agreements.

The following key lessons were drawn from applying the HRIA methodology in Thailand and Myanmar and are important for tour operators to consider when conducting an HRIA. The **Get Started tool** provides more in-depth guidance, a checklist and templates for each phase of an HRIA.[89] It also allows companies who do not decide to conduct a full-fledged HRIA to use specific HRIA guidance materials (e.g. for worker interviews).

Phase of the HRIA	Lesson
General	◦ SME tour operators can benefit from synergies conducting a joint HRIA (e.g. among members of the Roundtable);
	◦ Expectation management is crucial during the process of a HRIA. Many stakeholders are expecting actions but not all their issues can be addressed.
Business scoping	◦ Conducting an HRIA is complex and requires a high level of (human and financial) resources, know-how and commitment from a company;
	◦ The touristic value chain is particularly complex. It is recommended to limit the geographical scope and focus on key products (e.g. beach holidays, cultural tours) to be able to go more in-depth.
Human rights scoping	◦ In principle, all human rights have to be considered when conducting an HRIA. This can be overwhelming for an SME TO. The **Get Started tool** provides guidance on the main human rights risks to consider in the context of tourism;
	◦ A broad network helps to identify the relevant stakeholders to consult (e.g. through Roundtable and its CSO members).
Preparation	◦ Having independent individual advisors involved throughout the process contributes significantly to the quality of the assessment. They provide valuable input on major issues as well as local contacts to be consulted.

89   RT: HRIA tool.

Phase of the HRIA	Lesson
On-site assessment	◦ A balanced composition of the assessment team is crucial:
	◦ Interdisciplinary expertise needed, including soft and intercultural skills for conducting the consultations. Collaboration with local facilitator is essential to gain access and engage in meaningful consultations;
	◦ Skills of the team: A combination of business, human rights and tourism expertise, private sector and civil society perspective as well as local language skills is required;
	◦ HRIAs give stakeholders / affected rightsholders a voice which allows for new perspectives and priorities;
	◦ Need for flexibility: The assessment team has to adapt its methods to the changing circumstances on the ground.
Analysis and follow-up measures	◦ It might be challenging to discern individual company impacts from broader industry impacts. Collaboration with other tourism companies might be required e. g. initiated with other RT members;
	◦ Sharing the outcomes and action plan with the stakeholders consulted and the tourism industry is an important part of any HRIA. Effective dissemination needs to be planned carefully.

Table 18: key lessons learnt in each phase of the HRIA

F   NEXT STEPS

While some of the measures suggested can be implemented by TOs themselves, many require collaboration within the industry. The RT is committed to collaborate with its members in a multistakeholder setup to agree and work on joint activities.

For the dissemination of the results, the following activities are planned:

◦ Panel discussion at ITB Berlin (March 2020);

◦ Dissemination through Roundtable members (e. g. tourism associations, RT representatives in the NL, DE, CH, UK etc., CSOs) and their channels (e. g. newsletters, webinars, workshops, training);

◦ Develop and print brochures in local languages;

◦ Dissemination of the results in Thailand and Myanmar with the support of partner organisations;

◦ Local workshops with partner organisations in Thailand and Myanmar;

◦ Roundtable Symposium in Switzerland (25 June 2020).

ANNEX

I   On-site assessment schedule

The following two tables give an overview of the meeting schedules for the on-site assessment in Thailand and Myanmar, which took place between 5 and 18 September 2019.

Date	Schedule in Thailand
Day 1	Arrival of assessment team in Bangkok Afternoon: ◦ Meeting with local CSO partner and facilitator ◦ Stakeholder meeting at Swiss Embassy
Day 2	Morning: ◦ Kick-off workshop (50 participants from various stakeholder groups) Afternoon: ◦ Meeting with regional tourism association ◦ Meeting with DMC (management and employees)
Day 3	Morning: ◦ Group discussion with tour guides Afternoon: ◦ Supplier visit: Follow a "typical city tour" (Bangkok) ◦ Supplier visit: Gems gallery
Day 4	Morning: Travel to Phuket Afternoon: ◦ Meeting with workers and management at Hotel 1 ◦ Meeting with international non-governmental and child rights organisation
Day 5	Morning & afternoon: ◦ FGD: Meeting with indigenous people and migrant workers ◦ Visit staff accommodation at Hotel 2
Day 6	Morning: ◦ Meeting with external auditor of certification scheme ◦ Meeting with hotel association ◦ Meeting with hotel management at Hotel 3 ◦ Meeting with marine biologist ◦ Meeting with DMC management Afternoon: Transfer to Khao Lak

Date	Schedule in Thailand
Day 7	Morning: ◦ Meeting with workers and management at Hotel 4 ◦ Meeting with local non-governmental organisation focusing on migrant workers Afternoon: ◦ Meeting with workers and management at Hotel 5 ◦ Meeting with local non-governmental organisation focusing on migrant workers ◦ Evening: Travel to Chiang Mai
Day 8	Morning & afternoon: ◦ FGD: Meeting with indigenous people in village Afternoon: ◦ FDG with tour guides
Day 9	Morning & afternoon: ◦ FDG with local DMCs ◦ Supplier visit: Follow a "typical nature travel experience" (North of Chiang Mai) Afternoon: ◦ Supplier visit: Follow a "classical city tour" (Chiang Mai) ◦ Meeting with local non-governmental organisations
Day 10	Morning & afternoon: ◦ FGD: Meeting with indigenous people and migrant workers
Day 11	Morning: Travel to Rangoon Afternoon: ◦ Summary of findings, debriefing with assessment team and preparation of management workshop
Day 12	Afternoon: ◦ Stakeholder meeting at Swiss Embassy ◦ Preparation of closing workshop
Day 13	Morning: ◦ Closing workshop
Day 14	Departure of assessment team

Table 19: schedule for on-site assessment in Thailand

Date	Schedule in Myanmar
Day 1 (Bangkok)	Arrival of assessment team in Bangkok Afternoon: ◦ Stakeholder meeting at Swiss Embassy
Day 2 (Bangkok)	Morning: ◦ Kick-off workshop Afternoon: ◦ Meetings with international organisations
Day 3	Morning: Travel to Mandalay, Myanmar Afternoon: ◦ Meeting with street vendors & women groups ◦ FGD with tour guides & association ◦ Supplier visit: Hotel 1
Day 4	Morning: ◦ Visit local school project ◦ FGDs with street vendors ◦ FGDs with pagoda trustees Afternoon: ◦ Meeting with local transportation company ◦ Meeting with souvenir production & shop ◦ Meeting with local tea shop ◦ Meeting with pagoda trustees and indigenous people Evening: ◦ Supplier visit: Follow "typical Pagoda visit" (Mandalay)
Day 5	Morning: ◦ Meeting with workers at Hotel 2 ◦ Meetings at weaving centre & shop Afternoon: ◦ Travel to Bagan ◦ Meetings in rural villages
Day 6	Morning: ◦ Supplier visit: Follow a "typical tour" (Bagan) Afternoon: ◦ Meeting with lacquerware souvenir shops & production ◦ FGD with tuk-tuk drivers ◦ FGD with local community representatives

Date	Schedule in Myanmar
Day 7	Morning & afternoon: ◦ CBT visit
Day 8	Morning & afternoon: ◦ Meeting with local DMC branch ◦ FGD with horse cart drivers ◦ Meeting with workers and management at Hotel 3 ◦ FGD with workers from different hotels ◦ FGD with boat drivers ◦ Meeting with restaurant Evening: ◦ Debriefing with assessment team ◦ Meeting with tuk-tuk drivers
Day 9 (one team Inle Lake) (one team Bagan)	Morning: Travel to Inle Lake (Team I) Afternoon: ◦ Meeting with international organisation (Inle) ◦ Meeting at vocational training centre (Inle) ◦ FGD with tour guides (Bagan) ◦ FGD with pagoda trustees (Bagan) Evening: ◦ Meeting with local women's network (Inle) ◦ Meeting with restaurant (Inle)
Day 10 (one team Inle Lake) (one team Bagan)	Morning & afternoon: ◦ Meeting with destination management company (Inle) ◦ Meeting with local boat builder (Inle) ◦ Meeting with local cooking class provider (Inle) ◦ Meeting at weaving centre (Inle) ◦ Visit local school project (Bagan) ◦ Meeting with souvenir shops (Bagan)
Day 11	Morning: Travel to Rangoon Afternoon: ◦ Summary of findings, debriefing with assessment team and preparation of management workshop Evening: ◦ Meeting with workers and management at Hotel 4

Date	Schedule in Myanmar
Day 12	Morning: ◦ Meeting with international certification scheme provider ◦ Meeting with local non-governmental organisation ◦ Meeting with souvenir shop ◦ Meeting with local recycling company Afternoon: ◦ Meeting at Swiss Embassy
Day 13	Morning: ◦ Closing workshop in Yangon
Day 14	Morning: ◦ Meeting with local responsible business platform
Day 15	Morning: ◦ Meeting with international organisation Afternoon: Departure of assessment team

Table 20: schedule for on-site assessment in Myanmar

Human Rights Impact Assessment in Thailand and Myanmar

II   Overview of impact areas and related human rights

The following table provides an overview of how the identified impact areas in Thailand and Myanmar relate to specific human rights.

Impact area	Related human rights
Children's rights	◦ Rights of protection for the child ◦ Right to education ◦ Prohibition of child labour and including worst forms of child labour ◦ Right to be protected from abuse or exploitation (e.g. sexual exploitation of children) ◦ Right to freedom from cruel, inhuman or degrading treatment
Economic inclusion	◦ Right to information and development ◦ Right to participation ◦ Right to work
Environmental impacts	◦ Right to a healthy and sustainable environment ◦ Right to health ◦ Right to an adequate standard of living ◦ Right to water and sanitation ◦ Right to life ◦ Right to food
Lack of tourism governance	◦ Right to information and development ◦ Right to participation ◦ Right to prior and informed consent
Land rights	◦ Right to own property and freedom from arbitrary deprivation of property ◦ Right to prior and informed consent ◦ Right to an adequate standard of living
Loss of cultural identity	◦ Right to privacy of communities ◦ Rights of indigenous people ◦ Rights of minorities (ethnic, linguistic, religious etc.) to enjoy their own culture, language, religion ◦ Right to participation ◦ Right to participate in cultural life

Impact area	Related human rights
Protection of cultural heritage	∘ Right to privacy of communities ∘ Rights of indigenous people ∘ Rights of minorities (ethnic, linguistic, religious etc.) to enjoy their own culture, language, religion ∘ Right to participation ∘ Right to participate in cultural life
Sexual harassment and discrimination	∘ Women's rights ∘ LGBTIQ rights ∘ Right to freedom from sexual exploitation and harassment ∘ Right to non-discrimination
Working conditions	∘ Right to enjoy just and favourable conditions of work ∘ Right to adequate and regular wages ∘ Right to rest and leisure (limitation of working hours) ∘ Right to non-discrimination ∘ Right to freedom of association, to form and join trade unions and to collective bargaining ∘ Right to social security and social insurance ∘ Right to save and healthy working conditions ∘ Rights of migrant workers ∘ Women's rights ∘ Right to effective remedy

Table 21: overview of impact areas and related human rights

III Recommendations to the Roundtable Human Rights in Tourism

This annex contains a list of recommendations for the RT, developed based on the experiences and learnings gathered throughout this assessment. The assessment in both countries showed that DMCs are key partners for implementing follow–up measures as they are usually developing the products and contracting suppliers. They are the ones who know the local situation on the ground and often have close personal relationships with local stakeholders.

General recommendations

The following table outlines how the RT can generally support its members for the implementation of the different types of measures suggested for TOs.

Type of measure for TOs	How the RT can support its members
Influencing policy	◦ Advocate for sustainable business practices in business associations at relevant government agencies.
Sensitizing / awareness raising	◦ Organise workshops to raise awareness on human rights in tourism.
Foster dialogue	◦ Collaborate with multi-stakeholder initiatives (MSIs) and discuss human rights issues on responsible tourism platforms.
Customer information	◦ Collect and share good practice of customer information materials with RT members.
Inhouse training	◦ Develop and distribute guidance materials and tools for TOs.
Business partner training	◦ Develop and distribute guidance materials and tools for TO's business partners; ◦ Develop and facilitate training in collaboration with local partner organisations.
Product development	◦ Develop guidance and criteria for responsible product development and share good practice; ◦ Provide network and facilitate dialogue between civil society organisations (CSOs) and private sector.
Adapting buying practice	◦ Collect and share good practice from RT members on responsible buying practices; ◦ Support RT members to access credible information through local networks.
Business partner due diligence	◦ Collect and share good practice examples of supplier codes, ethical buying principles etc. from RT members; ◦ Collaborate with tourism certification schemes to integrate human rights criteria.

Table 22: general recommendations for the RT

Strengthen collaboration with destinations

- Invite local responsible tourism platforms and DMCs to join the RT as key partners for fostering responsible tourism in the destination areas and to act as entry points for the RT to access information on the destination;

- Establish an ongoing dialogue and peer learning opportunities with responsible tourism platforms in the destination areas.

HRIA methodology

- Sharing HRIA results: present results and methodology applied in Myanmar and Thailand amongst members of the RT and share lessons learnt;

- Foster joint action: act as facilitator for tour operators interested in collaborating with others on HRIAs;

- Accompany RT members: act as contact point for concrete questions related to the planning and implementation of HRIA by RT members;

- Provide network: offer support in identifying local partners and networks;

- **Get Started tool**: Regularly feed the tool with examples, information and current best practice on HRIAs.

Specific recommendations for Thailand

- Conduct a follow-up workshop in collaboration with local partners to ensure buy-in of stakeholders and to ensure implementation of action plan;

- Evaluate developing partnerships with local organisation to strengthen human rights due diligence in the Thai Tourism sector (e.g. PATA, UNDP, Manushya, embassies, tourism associations); joint activities could include:

  - Awareness raising on human rights in tourism;

  - Capacity building;

- Analyse the Thai National Action Plan on Business and Human Rights (NAP) and evaluate the potential for the RT to support NAP implementation in the Thai tourism sector in collaboration with local partner organisations.

Specific recommendations for Myanmar

- Conduct a follow-up workshop in collaboration with local partners to ensure buy-in of stakeholders and to ensure implementation of action plan;

- Evaluate developing a long-term partnership between MRTI and the RT, which could include the following elements:

  - Establish a regular exchange on current developments in Myanmar's tourism industry;

  - Collect and share information on Myanmar with RT members;

  - Strengthen governance structures;

  - Build internal capacity for engaging with the private sector;

  - Foster multi-stakeholder dialogue amongst tourism stakeholders in the country.

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The Roundtable Human Rights in Tourism e.V. is an international non-profit multi-stakeholder initiative promoting human rights. The Roundtable acts as a network between tourism businesses, travel associations and non-governmental organizations to support the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) through preventing, addressing and remedying human rights abuses along the supply chain of tourism businesses. Membership in the Roundtable is open to all tourism businesses, travel associations, NGOs and industry participants (certifiers, institutions, multipliers etc.) that commit themselves to the principles of the Roundtable.

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