

TourismConcern

How UK tour operators are supporting Burma's military regime through tourism

EXECUTIVE SUMMARY

Research by Tourism Concern has found that the majority of UK tour operators going to Burma are using hotels and resorts with known links to Burma's military regime and those individuals who personally profit from the repressive activities and human rights abuses which it perpetrates. This includes tourism establishments which are blacklisted by the European Community (EC) under Council Regulation 194/2008. It also includes tourism enterprises which are partly managed by the regime through joint venture schemes. Information in this regard is freely available in the public domain. It is the responsibility of tour operators to abide by European law by ensuring that they are not potentially providing either direct or indirect financial benefits to blacklisted individuals. The surest way to ensure this would be to cease trading with Burma. It is also the responsibility of those tour operators which publicly claim that they avoid using enterprises with links to the regime to ensure that they are not misleading the public in this regard.

The Regulation is directly applicable in all EC Member States, including the UK. However, the UK Government has not updated the Statutory Instrument in order to implement the 2008 Regulation. Therefore, at present the Regulation cannot be enforced in the UK, leaving potential transgressions to go unpunished. Tourism Concern is calling on the UK Government to close the current loophole in the UK law and provide the necessary guidance to UK tour operators to ensure that they do not breach the European Regulation and/or UK legislation.

Tourism Concern's research has also highlighted a number of gaps in the EC trade ban list, whereby tourism enterprises which are owned or directed by blacklisted individuals are yet to be specified in Regulation 194/2008. Nor are hotels and resorts managed under joint venture schemes included. Tourism Concern is calling on the EC to update the existing Regulation to include all such tourism enterprises.

BURMA, TOURISM AND HUMAN RIGHTS

The development of tourism in Burma is directly linked to mass human rights abuses on a scale unmatched by any other country in the world. 'Visit Myanmar' year in 1996 was a deliberate strategy by the illegal military regime to generate foreign currency through international tourism. Over a million people were forcibly displaced from their homes with little or no compensation to make way for tourism developments or as part of 'beautification' schemes. Forced labour, including child labour, was used to build tourism infrastructure in order to increase Burma's appeal to foreign investors and tourists. Chain gangs were used to dredge the

moat around Mandalay Palace and to build roads and railways¹. In 1998, the United Nations International Labour Organisation accused the ruling State Peace and Development Council (SPDC) of a 'crime against humanity' for its systematic use of forced labour².

Since 2000, a hotel construction boom in the coastal area of Ngwe Saung has caused 16,000 people to lose their land and livelihoods³. This has involved the compulsory dismantling and relocation of several villages from the coast. Authorities have reportedly confiscated 65 percent of villagers' farmland and 80 percent of their palm gardens. Seine (onshore) fishing has been banned outright⁴.

The regime continues to view tourism as a lucrative economic sector for expansion and development, particularly in terms of generating foreign direct investment and currency exchange⁵. This is despite a recent drop in tourist arrivals since the authorities' violent repression of peaceful demonstrations in September 2007, followed by the devastating impacts of Cyclone Nargis in May 2008. Taxes and income accrued from foreign investment and the development of infrastructure, as well as visa fees, airport duties and currency exchange – all unavoidable outlays for international tourists, provide vital financial support to an illicit government which regularly practices torture, summary and arbitrary executions, forced labour, abuse of women, political arrests, forced displacement, and restrictions on freedom of speech, movement and assembly against the Burmese people⁶.

According to the SPDC's own figures, Burma earned US\$182 million from tourism in 2007, up from US\$164 million in 2006⁶. The lack of transparency in Burma and the complex overlap between regime- and private-owned enterprises means that it is unclear how much of this goes to state authorities, but a former tourism minister put the figure at 12%⁷. In fact, the real figure could be considerably higher, due to, for example, revenue accrued through additional taxes, corruption, and other economic links that the regime may have with the tourism industry. Numerous hotels and resorts are owned by the regime (either directly or through joint venture schemes⁸) and individual members of the regime and their associates. Foreign investment in hotels, apartments and commercial complexes in 2007 was valued by the SPDC at US\$1120.919 million⁹. Again, it is difficult to know how much fiscal benefit this provides to the regime and its cronies, but given the size of the figures in question, the sum is likely to be considerable.

¹Tourism Concern, *Tourism In Focus*, No.15, Spring 1995.

²International Labour Organization: 'Report of the Commission of inquiry into Forced Labour in Myanmar (Burma)', 07/1998.

³One Western diplomat in Rangoon has been quoted as saying that the list of owners of the hotel plots at Ngwesauung 'reads like a 'Who's Who of generals and their cronies' (The Guardian: 'Pressure on Burma Tours', 03/08/2003).

⁴Centre on Housing Rights and Evictions: 'Displacement and Dispossession: Forced Migration and Land Rights: Burma (Country Report)', 11/2007.

⁵Tourism has been ranked in the top four most lucrative sectors generating FDI for Burma (UNCTAD: 'Myanmar FDI in Brief: Myanmar', 09/03/2004).

⁶Council of the European Union, Council Regulation 194/2008, 25/02/2008.

⁷International Confederation of Free Trade Unions: 'Doing Business with Burma', 2005.

⁸A high percentage of the profits from joint venture deals eventually return to the armed forces (ALTSEAN: 'Ready, Aim, Sanction', 11/2003).

⁹Myanmar Travels and Tours / Government of Myanmar: 'Why invest in Myanmar', 2008 (see: www.asean.or.jp/invest/archive/speech/fy08%20myanmar/Ms.KyiKyiAye_part2.pdf)

THE EUROPEAN MARKET

Although the majority of tourists visiting Burma are from Asia, the American and European markets reportedly represent up to 70% of tourism profits. The regime's figures for 2005 showed Europe as constituting over 27% of the market share. France and Germany topped the list, followed by the UK¹⁰. Twenty-four tour operators registered in and/or operating from of the UK (see Appendix) currently run trips to Burma¹¹. Large international operators, TUI and Kuoni, also sell holidays to Burma through their European subsidiaries.

Burma's Ministry for Hotels and Tourism attends the major European travel markets, such as the World Travel Market in the UK and the International Travel Bourse in Germany. In September 2008, the Ministry announced a possible broadening of the visa-on-arrival scheme in order to draw more European visitors¹², while in Ngwe Saung work began on a new airport catering for international flights¹³.

Guidebook publishers and the tourism press also continue to encourage tourism to Burma in the UK and Europe. The Lonely Planet, which is majority owned by BBC Worldwide, publishes a Burma guidebook, as does the London-based Insight Guides series. The continuing significance of the tourism industry in Burma is further reflected in the Burma Campaign UK's 'Dirty List'. Of the 171 international companies listed, 57 - almost one third – relate to the tourism sector, including tour operators, hotel chains and airlines¹⁴.

THE EUROPEAN TRADE BAN

The international community has strongly condemned the actions of Burma's military regime and is urgently pressing for an end to the serious human rights abuses and for the initiation of meaningful democratic reforms. In line with this, and in response to the brutal repression of demonstrators in 2007, the EC renewed and strengthened sanctions against the regime authorities. **Council Regulation 194/2008**¹⁵ (amended by Regulation 385/2008¹⁶) clearly sets out restrictions on trade and investment relating to regime officials and enterprises which are owned or controlled by the regime, or by persons or entities associated with the regime. These individuals and entities are listed in Annexes **V**, **VI** and **VII** of the Regulation as follows:

- **Annex V** relates specifically to the extractive industries (so is not relevant to tourism)
- **Annex VI** lists members of the regime and individuals and entities associated with the regime

¹⁰ Government of Myanmar (see: www.myanmar.gov.mm/ministry/hotel/tourismstatistic.htm)

¹¹ This figure was 25 but Tourism Concern was advised in a telephone conversation to Andrew Brock Travel in February 2009 that the company was to cease operating in March 2009 and indicated that it was to be taken over by Pettitts Travel.

¹² Mizzima News: 'Visa on arrival proposal thrills Burmese tour companies', 09/09/2008.

¹³ Mizzima News: 'New airport for popular tourist beach', 03/11/2008.

¹⁴ Burma Campaign UK: 'The Dirty List', 12/2008 (see: www.burmacampaign.org.uk/dirty_list/dirty_list.html)

¹⁵ See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:066:0001:0087:EN:PDF>

¹⁶ Amendments relate to the individuals and entities listed in the Annexes only. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:116:0005:0016:EN:PDF>

- **Annex VII** lists enterprises owned or controlled by the regime and/or those associated with the regime

In relation to **Annex VI: Article 11.2** of the Regulation states that:

No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex VI. (Emphasis added)

The intentional breach of such restrictions is prohibited. However, where an unintentional breach has occurred (whereby a person or entity “did not know, and had no reasonable cause to suspect, that their actions would infringe this prohibition”) no liability will be incurred.

In relation to **Annex VII: Article 15** of the Regulation prohibits the investment in or acquisition of the listed enterprises, including the granting of financial loans or credit, the acquisition of shares or bonds, or the creation of any joint ventures.

APPLICATION IN THE UK

The Regulation is directly applicable in all EC Member States, including the UK. In accordance with Article 19, the UK is obliged to enact legislation (a Statutory Instrument) making it an offence to breach the Regulation and setting out the penalties for doing so. The Regulation is incorporated into national law and overrides all national laws dealing with the same subject matter. The UK Treasury has only issued the Financial Sanctions Notifications in March 2008¹⁷ and May 2008¹⁸, reflecting the terms of the latest Regulation and its subsequent amendment (385/2008). The updated lists of entities¹⁹ and individuals²⁰ covered by the investment ban were published on the internet.

GAPS IN THE UK LAW

Legislation in relation to EC trade sanctions on Burma was last enacted by the Treasury in 2005²¹. However, this specifically refers to Council Regulation 798/2004 (an earlier version of the existing Regulation). The legislation makes it a criminal offence to knowingly breach Regulation 798/2004 “without reasonable excuse”. Committing such an offence is punishable by up to two years in prison and/or a fine.

The British Government has failed to introduce updated legislation making it an offence to breach any of the subsequent, amended versions of the Regulation²². This means that, since 2006 (when Regulation 798/2004 was repealed) a loophole in the UK law has existed whereby no penalties can be applied to enterprises and individuals doing business in Burma in breach of the EC

¹⁷ See: www.hm-treasury.gov.uk/d/fin_sanctions_notice_burma_130308.pdf

¹⁸ See: www.hm-treasury.gov.uk/d/fin_sanc_burma020508.pdf

¹⁹ See: www.hm-treasury.gov.uk/d/burmainvestmentban.htm

²⁰ See: www.hm-treasury.gov.uk/d/burma-myanmar.htm

²¹ Statutory Instrument No. 1526 - Burma (Financial Sanctions) Regulations 2005 (see: www.hm-treasury.gov.uk/d/si_1526_burma_financial_sanctions_regulations_2005_290605.pdf)

²² Regulation 798/2004 was first repealed and replaced by Regulation 817/2006, which was subsequently replaced by the Regulation 194/2008.

Regulation. The Treasury has advised us that they are in the process of updating the Statutory Instrument, but it is unclear when this will be implemented²³.

TOURISM BLACKLISTED

Tourism features significantly in the current EC trade ban list. Regime officials working under the Ministry for Hotels and Tourism appear in Annex VI of the Regulation, including the Minister for Hotels and Tourism, the Director General of the Hotels and Tourism Directorate, and the Managing Director of the Myanmar Hotels and Tourism Services (MHTS – see below).

More significantly, several blacklisted individuals and luxury hotel and resort chains that are owned or directed by them appear in Annexes VI and VII respectively. Research by Tourism Concern has shown that this includes hotels and resorts which are regularly patronised by UK tour operators as part of their package tours and which often feature in their promotional materials. Our research has also identified gaps in the existing Annex VII listings, whereby tourism enterprises owned by Annex VI-listed individuals are missing.

Details of these individuals and their respective businesses are as follows:

- **Tay Za**

Tay Za is a close associate of the junta leader, General Than Shwe. He is the director of **Treasure Hotels and Resorts**; **Aureum Palace Hotels and Resorts**; the international and domestic carrier **Air Bagan**, and **Htoo Trading**.

Htoo Trading is undertaking the construction of the new airport at Ngwe Saung, where the company is reported to have a “near monopoly over the tourism industry in the area”²⁴. **Treasure Hotels and Resorts** has establishments in Ngwe Saung, Bagan and Inle Lake. **Aureum Palace** has premises in Ngapali beach, Bagan and Ngwe Saung, Pyin Oo Lwin and Naypyitaw.

These tourism establishments are used by at least five UK tour operators.

In November 2008, Htoo Trading took over **Woodland Travels**, which includes management of **Kandawgyi Lodge** and **Popa Mountain Resort**²⁵.

These establishments are used by at least seven tour operators. Neither is yet featured on Annex VII²⁶.

- **Win Aung**

Win Aung is the director of **Dagon International**, which owns **Palm Beach Resort** in Ngwe Saung.

Palm Beach is used by one UK tour operator.

²³ Email from HM Treasury to Tourism Concern, 10/02/2009.

²⁴ Mizzima News: ‘New airport for popular tourist beach’, 3/11/2008.

²⁵ Mizzima News: ‘Woodland Travels taken over by Htoo Company’, 24/11/2008.

²⁶ Tourism Concern wrote to the UK Treasury in December 2008 to advise them of the takeover.

- **Yan Win**

Yan Win is the director of **A1 Construction and Trading**, which reportedly has an ownership stake in the **Myanmar Andaman Resort**²⁷.

Myanmar Andaman Resort is used by three UK tour operators. This resort is not yet listed in Annex VII.

- **Zaw Zaw**

Also on the trade ban list is businessman Zaw Zaw and his Max Myanmar Group of Companies. This includes **Hotel Max** at Chaung Tha Beach (also known as Hotel Chaung Tha Beach Resort) and the **Royal Kumudra Hotel**, near the capital of Naypyitaw.

One tour operator uses Hotel Max. Neither resort is currently listed in Annex VII of the Regulation²⁸.

- **Myanmar Hotel and Tourism Service**

The Myanmar Hotel and Tourism Service (MHTS) is an arm of the Ministry of Hotels and Tourism. It describes itself as a 'commercial enterprise' responsible for managing state-owned hotels and tour operations, specifically Myanmar Travels and Tours²⁹. According to the MHTS website, since 1992 it has leased 31 of the 39 previously state-owned hotels to both local and foreign investors, generating a regular income for the regime in this regard. There are currently eight state-owned hotels in major tourist destinations, including Mandalay, Sittwe, Mrauk-Oo, Pyin Oo Lwin, Kyaing Tong and Bago³⁰.

At least one of these features in the itinerary of one UK tour operator.

MHTS has also formed joint venture schemes with foreign partners for the renovation and management of four major hotels, specifically:

- The Strand
- Dusit Inya Lake
- Thamada
- Mandalay Swan Hotel

All four hotels are used by at least 11 UK tour operators

DOING BUSINESS WITH BURMA'S MILITARY JUNTA

UK tour operators using Annex VII-listed hotels and resorts as follows:

- **Audley Travel:** Treasure Beach Resort; Aureum Palace Hotels and Resorts³¹

²⁷ Myanmar Times: 'Investors show confidence in archipelagos tourism potential', 16-22/05/2005.

²⁸ Both enterprises were added to the United States Treasury trade sanctions list in January 2009 (see: www.treas.gov/offices/enforcement/ofac/actions/20090115.shtml).

²⁹ See: <http://mekongtourism.org/site/about-us/twg/myanmar> and www.myanmarbsb.com/3.html

³⁰ Myanmar Travels and Tours (see: www.myanmartravelsandtours.com)

³¹ See: www.audleytravel.com/Destinations/Southeast-Asia/Countries/Burma/Places-to-See-and-Stay/Ngwe-Saung/Selected-Accommodation.aspx

- **Bamboo Travel:** Myanmar Treasure Resort³²; Palm Beach Resort; Aureum Palace Hotels and Resorts³³
- **Pettits Travel:** Aureum Palace Hotels and Resorts³⁴
- **Quintessential Travel:** Inle Treasure Resort³⁵
- **Undiscovered Destinations:** Myanmar Treasure Resorts⁴³

Tour operators using tourism establishments owned by Annex VI-listed individuals, but which have not yet been added to the trade ban list:

- **Audley Travel:** Kandawgyi Hill Resort/Lodge³⁶; Popa Mountain Resort³⁷; Myanmar Andaman Resort³⁸
- **Bamboo Travel:** Kandawgyi Hill Resort/Lodge⁴⁷; Popa Mountain Resort³⁹
- **Dragon Travel:** Myanmar Andaman Resort; Hotel Max⁴⁰
- **Mekong Travel:** Popa Mountain Resort⁴¹
- **Pettits Travel:** Popa Mountain Resort³⁴
- **Silverbird Travel:** Kandawgyi Hill Resort/Lodge⁴²
- **Trans Indus:** Myanmar Andaman Resort⁴³
- **Undiscovered Destinations:** Kandawgyi Hill Resort/Lodge; Popa Mountain Resort⁴⁴

ALSO SUPPORTING THE REGIME THROUGH TOURISM

Tour operators checking-in to MHTS joint venture scheme hotels and resorts:

- **Abercrombie and Kent:** The Strand⁴⁵
- **Audley Travel:** The Strand⁴⁶
- **Bales Worldwide:** The Strand⁴⁷
- **Bamboo Travel:** The Strand⁴⁸; Dusit Inya Lake Resort³⁸
- **Dragon Travel:** The Strand³⁹
- **Eastravel:** Mandalay Swan⁴⁹
- **Mekong Travel:** Thamada Hotel⁵⁰

³² See: www.bambootravel.co.uk/myanmar/pdf/bamboo-travel-grand-tour-myanmar.pdf

³³ See: www.bambootravel.co.uk/myanmar/myanmar-travelideas.html

³⁴ See: www.pettitts.co.uk/destinations/burma/the_golden_land.html

³⁵ See: www.quintessentialtravel.co.uk/BURMA11D10NItineraryupdate09.pdf

³⁶ See: www.audleytravel.com/Destinations/Southeast-Asia/Countries/Burma/Places-to-See-and-Stay/Pyin-Oo-Lwin-Maymyo/Selected-Accommodation.aspx

³⁷ See: www.audleytravel.com/Destinations/Southeast-Asia/Countries/Burma/Places-to-See-and-Stay/Mount-Popa/Selected-Accommodation/Mount-Popa-Resort.aspx

³⁸ See: www.audleytravel.com/Destinations/Southeast-Asia/Countries/Burma/Places-to-See-and-Stay/Mergui-Myeik-Archipelago/Selected-Accommodation.aspx

³⁹ See: www.bambootravel.co.uk/myanmar/pdf/bamboo-travel-myanmar-highlights.pdf

⁴⁰ See: www.dragontravel.co.uk/myanhotels.html#yang

⁴¹ See: www.mekong-travel.com/b-ecotours/popa.htm

⁴² See: www.silverbird.co.uk/print_hotel.asp?ID=156

⁴³ See: www.transindus.co.uk/index.php?pg=4&rn=Burma&mn=hotels

⁴⁴ See: www.undiscovered-destinations.com/myanmar/touritinerary0.asp

⁴⁵ See: www.abercrombiekent.co.uk/pdf/itineraries/Myanmar-itinerary.pdf

⁴⁶ See: www.audleytravel.com/Destinations/Southeast-Asia/Countries/Burma/Places-to-See-and-Stay/Yangon-Rangoon/Selected-Accommodation.aspx

⁴⁷ See: www.balesworldwide.com/luxury-holidays-myanmar-asia.html.Tab-TM

⁴⁸ See: www.bambootravel.co.uk/myanmar/pdf/bamboo-travel-wonders-myanmar.pdf

⁴⁹ See: www.eastravel.co.uk/theorient/myanmar.htm

⁵⁰ See: www.mekong-travel.com/bhotels.htm

- **Shellseekers:** Dusit Inya Lake Resort⁵¹
- **Tennyson Travel:** Mandalay Swan⁵²
- **Trans Indus:** The Strand⁴²

Stopping off at regime-owned hotels:

- **Bamboo Travel:** The Candacraig/Thiri Myaing Hotel⁵³ (evening drinks only as part of its 'Wonders of Myanmar' itinerary)⁴⁸

WHAT CONSTITUTES A BREACH?

Payments made by UK tour operators to tourism enterprises listed on Annex VII of Council Regulation 194/2008 which are owned or directed by individuals on Annex VI cannot be said to constitute a *direct* payment to that individual. Therefore tour operators are not breaching the trade ban in this respect.

Nor are they breaching the ban by virtue of making payment to the tourism enterprises listed in Annex VII, as the Regulation specifically refers to a prohibition on the acquisition of an interest or shareholding of such entities, or the creation of joint venture schemes.

However, according to the Asset Freezing Unit of the UK Treasury, payments to a tourism enterprise in Annex VII could be regarded as *indirectly* for the benefit of the owner/director "in certain circumstances", and this would be a breach of the Regulation if the owner/director was listed in Annex VI (both direct and indirect payments to individuals listed in Annex VI are prohibited)⁵⁴. This includes, for example, if the owner/director receives a salary or a director's loan, or some other "diversion of funds" from the tourism enterprise in question⁵⁵. Although it is impossible to know whether an individual is deriving any such 'diversions of funds' from a luxury tourism establishment which they own and/or for which they are registered as the director, it is arguable that they are only going to assume such a position if they are deriving a meaningful economic benefit from it.

It would be by virtue of providing such *indirect* payments to the individuals listed in Annex VI of the Regulation that UK tour operators would be breaching the investment ban, in contravention of the EC Regulation. If the UK was up to date with its obligations to introduce legislation imposing penalties on people who breach the Regulation (as set out under Article 19 of the Regulation), tour operators providing indirect payments in this way would also be in contravention of UK law.

IGNORANCE EQUALS INNOCENCE

What does this mean for UK tour operators? The EC Regulation clearly states that individuals and entities cannot be held liable for breaching the trade ban if they are not aware that they are doing so, or have a 'reasonable excuse' for making a transgression.

⁵¹ See: www.shellseekers.co.uk/itinerary-myanmar.aspx

⁵² See: Visit Asia / Tennyson Travel brochure, 2008/9

⁵³ For example, see: www.myanmarourex.com/myanmar_hotels/thiri_myaing_hotel.html.

⁵⁴ Email from HM Treasury Asset Freezing Unit to Tourism Concern, 13/01/2009.

⁵⁵ Tourism Concern could not find any provision under Burmese company law that requires directors to receive a salary.

Given the lack of transparency surrounding indirect financial benefits potentially derived by Annex VI-listed owners/directors from their respective tourism enterprises, it is unlikely that tour operators are knowingly breaching the Regulation. Nonetheless, a responsibility lies with UK operators to ensure that they are not potentially providing either direct or indirect financial support to individuals listed in Annex VI, including by patronising tourism enterprises owned or managed by those individuals and from which they may derive indirect financial benefits. Information regarding these enterprises and individuals is freely available in the public domain (for example, on the EC and UK Treasury websites). However, the surest way for tour operators to ensure this would be to cease trading with Burma.

It is also worth noting that the majority of the 24 UK tour operators publish a position statement on the ethics of tourism to Burma, ranging from a cautionary note on the benefits that the junta 'may' derive from a tourist's visit, to a much stronger stance, whereby it is argued that tourism provides important income generating opportunities for ordinary Burmese people. Many tour operators explicitly state that they avoid doing direct business with state-owned enterprises as much as possible⁵⁶. A responsibility also lies with tour operators to not mislead their customers by using tourism enterprises that are clearly linked with the regime and/or regime cronies, while publicly stating otherwise. Tour operators using tourism enterprises listed in Annex VII are clearly failing in their responsibility in this regard.

CONCLUSIONS AND RECOMMENDATIONS

Tourism Concern urges UK tour operators:

- To immediately cease trading with blacklisted tourism establishments in order to ensure that they do not provide indirect financial support to Annex VI-listed individuals, in potential breach of the Council Regulation 194/2008 (and thus forthcoming UK law); to remove information about those establishments from their websites and other promotional materials.
- That are patronising those tourism enterprises owned/directed by Annex VI-listed individuals which are not yet listed on Annex VII of the Regulation to immediately cease trading those establishments and remove information about them from their websites and other promotional materials.
- To stop patronising tourism establishments managed under joint venture schemes with the Myanmar Hotels and Tourism Service. Although these hotels and resorts are not listed in the Regulation and using them does not constitute a breach of the trade ban, the MHTS is recognised as an arm of the regime and, as such, the director and deputy director are listed in Annex VI alongside other members of the regime government. In particular, it is the responsibility of tour operators who claim to avoid using businesses linked to the regime to ensure that they do not use joint venture establishments.

⁵⁶ Five out of the 24 UK tour operators (Abercrombie and Kent, Easttravel, Silverbird, Sri Asia Tourism Service) have no position statement on the ethics of travelling to Burma on their respective websites.

- To stop frequenting any known regime-owned establishments. Although the regime-run hotel referred to in this document is not listed in Annex VII of the Regulation, information regarding its ownership by the regime is widely available in the public domain.
- To withdraw from Burma until meaningful democracy has been restored, especially given the complex and non-transparent overlap between regime- and private-owned tourism enterprises. This makes it almost impossible for operators to ensure that they are not patronising establishments linked to the junta.

Tourism Concern urges HM Treasury to:

- Update and implement a new Statutory Instrument reflecting Council Regulation 194/2008 with immediate effect.
- Engage with UK tour operators that are potentially in breach of the Regulation (and the forthcoming UK legislation) and, where necessary, make sure that the necessary steps are taken to ensure their compliance.
- Issue clear guidance to all UK tour operators and tourism bodies with regards to their responsibility to ensure that they do not breach the EC trade ban.

Tourism Concern urges the Council of Europe to Amend Annex VII of the Council Regulation to include:

- Tourism enterprises which have recently been acquired by an Annex VI-listed individual, (specifically Woodland Travels and Tours, Mount Popa Lodge and Kandawgyi Hill Resort/Lodge).
- Tourism enterprises owned by Zaw Zaw of the Max Myanmar Group (specifically Hotel Max and the Royal Kumudra Hotel).
- Hotels and resorts managed under joint venture schemes with the Myanmar Hotels and Tourism Service.
- Verify A1 Construction's ownership stake in the Myanmar Andaman Resort and, if necessary, add the resort to Annex VII of the Council Regulation.

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APPENDIX

UK tour operators going to Burma

1. **Abercrombie and Kent**
www.abercrombiekent.co.uk
2. **Andrew Brock Travel**¹¹
Email: ABROCK3650@aol.com
3. **Audley Travel**
www.audleytravel.com
4. **Bales Worldwide**
www.balesworldwide.com
5. **Bamboo Travel**
www.bambootravel.co.uk
6. **Dragon Tours and Travel Ltd**
www.dragontravel.co.uk
7. **Eastravel**
www.eastravel.co.uk
8. **Gecko's Adventures**
www.geckosadventures.co.uk
9. **Mekong Travel**
www.mekong-travel.com
10. **Mountain Travel Sobek**
www.mtsobek.com
11. **New Horizons Travels and Tours**
www.newhorizonstravels.com
12. **Noble Caledonia**
www.noble-caledonia.co.uk
13. **Orient Express**
www.orient-express.com
14. **Peregrine Tours**
www.peregrineadventures.co.uk
15. **Pettitts Travel**
www.pettitts.co.uk
16. **Quintessential Travel Ltd**
www.quintessential.co.uk
17. **Road to Mandalay / Golden Pagoda Travel**
www.goldenpagodatravel.com/inquiries.htm
18. **Shellseekers**
www.shellseekers.co.uk
19. **Silverbird Travel**
www.silverbird.co.uk
20. **Sri Asia Tourism**
www.sriasiamyanmar.com
21. **Steppes Travel Group**
www.steppestravel.co.uk
22. **Tennyson Travel (affiliated with Visit Asia)**
www.visitasia.co.uk/
23. **Trans Indus**
www.transindus.co.uk
24. **The Ultimate Travel Company / Worldwide Journeys and Expeditions**
www.theultimatetravelcompany.co.uk
25. **Undiscovered Destinations**
www.undiscovered-destinations.com