

ESTABLISHING ENVIRONMENTAL AND SOCIAL PERMITTING REQUIREMENTS FOR DEVELOPMENTS IN THE MYEIK ARCHIPELAGO AND NEARBY COASTAL REGIONS USING THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS

Myeik Archipelago and nearby coastal regions represent a complex, fragile and not fully researched or understood set of interconnecting ecosystems. The Archipelago is a potential candidate for UNESCO Biosphere status, and has also been included by Myanmar on the Tentative List for UNESCO World Heritage Status since 2014.

MIC Permits have been issued to a number of islands in the Myeik Archipelago for hotel projects as well as for pearl farming. These permits were granted in the absence of detailed data about environmental and cultural sensitivity of the area.

The map provided by Fauna and Flora International (FFI) to the government in April/May 2017 identifies critical and core ecosystem areas and other sensitive areas in the Myeik Archipelago and surrounding coastline. It is based on four years of research, focussed on the marine and coastal ecosystems. Areas are color-coded according to sensitivity of the marine biodiversity.

Information displayed on the map will be regularly updated as new information comes to hand about the biodiversity value of the archipelago. Terrestrial biodiversity data for the islands has not yet been surveyed, and full information about Indigenous Peoples (Moken) is not yet available. Oikos is working with an anthropologist Dr Maxime Boutry and with Moken communities to compile a [Moken cultural/spiritual map” of the archipelago](#).

In view of incomplete data, and also the potential UNESCO status for the Archipelago, MCRB and FFI recommend that a precautionary and gradual approach should be taken to development in the area.

Purpose of this Map

This map is provided in its present form to enable the Myanmar authorities including the Tanintharyi Regional Government, Myanmar Investment Commission, Myanmar Investment Commission, Ministry of Hotels and Tourism, and the Ministry of Natural Resources and Environmental Conservation (MONREC) to make early decisions in 2017 on which pending MIC Permitted projects should continue and under what circumstances.

For all projects in sensitive coastal areas whose MIC Permit is re-confirmed (and any new projects), it is recommended that any permitted hotel or tourism projects are required by government to observe strict planning and operational rules to minimise their social and environmental impacts.

The main mechanism for requiring companies to abide by environmental and social requirements is via the Environmental Impact Assessment (EIA) Procedure 2015, which complements existing Myanmar laws concerning protection of natural and cultural heritage. The EIA process involves MONREC approving the EIA and Environmental Management Plan (EMP) submitted by the company, and issuing an Environmental Compliance Certificate (ECC) with appropriate monitoring. The ECC has the force of law and is a contractual commitment. Failure to comply can lead to fines or shutdown of the operation.

MONREC has the sole responsibility to Screen projects and determine the appropriate requirement for an EIA. In addition to the standard requirement for all hotels of over 200 rooms to undertake an EIA, and all hotels of over 80 rooms to undertake an Initial Environmental Examination (IEE), the EIA Procedure Article 25 states that *'An EIA is required in all cases where the Project will be located in or will have foreseeable adverse effects on any legally protected national, regional or state area, including without limitation: (i) a forest conservation area (including biodiversity reserved area); (ii) a public forest; (iii) a park (including marine parks); (iv) a mangrove swamp; (v) any other sensitive coastal area; (vi) a wildlife sanctuary; (vii) a scientific reserve; (viii) a nature reserve; (ix) a geo-physically significant reserve; (x) any other nature reserve nominated by the Minister; (xi) a protected cultural heritage area; and (xii) a protected archaeological area or area of historical significance.* Furthermore Article 28 of the EIA Procedure allows for MONREC in Screening to take into account f) **protection of areas having a fragile ecosystem;**.....i) **recreation zones and pearl production areas;** and j) **conservation and protection of biodiversity.**

In view of the above, it is advisable that all commercial-scale hospitality activity on the islands and sensitive coastal areas should be required to undertake, before commencement of construction activity, a full Environmental Impact Assessment (EIA) by registered consultants whose teams include qualified marine and terrestrial biologists.

To enable this to be done efficiently and consistently, detailed environmental and social requirements for Tourism and Hospitality infrastructure should be drawn up and formally provided to companies ('Project Proponents') by MONREC as part of the EIA process. These requirements would also be communicated to potential investors in the area via the Ministry of Hotels and Tourism, MIC, Tanintharyi Regional Government and Tanintharyi Tourism Development Committee.

While some environmental and social safeguards in Myanmar are already in place, others are missing (see Annex 1). Gaps need to be filled by adopting international/regional standards for coastal and island areas of similar sensitivity, either in new or amended law or directives, or in EIA permitting requirements.

Pending adoption of a set of Myanmar standards/EIA Sectoral Guidelines, **all projects** should abide by relevant Myanmar laws, including the (draft) Building Code and use for the purposes of their Environmental Impact Assessments and Management Plans, the IFC's Sustainability Framework, which is the reference point currently used by MONREC and in particular:

- IFC Performance Standards¹
- International Finance Corporation (IFC) General Environmental Health and Safety Guidelines² (these are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP), as defined in IFC's Performance Standard 3: Resource Efficiency and Pollution Prevention).
- IFC EHS Guidelines for Tourism and Hospitality Development³

¹ IFC Performance Standards and Burmese language translation available at www.mcrb.org.mm

² www.ifc.org/ehsguidelines

³ <http://www.ifc.org/wps/wcm/connect/e9f48800488559c0840cd66a6515bb18/Final+-+Tourism+and+Hospitality+Development.pdf?MOD=AJPERES>

However more rigorous requirements should be required for activity permitted in the areas of highest sensitivity where it is nonetheless believed that strictly controlled accommodation or tourism activities – particularly scuba diving - could contribute to environmental protection through income generation and monitoring and preventing other sources of damage.

The following proposed approach to permissible activities, standards and requirements is provided for the areas with different colour-coded levels of sensitivity on the map. This approach is recommended as a guide for MONREC, MIC, MoHT, the Tanintharyi Regional Government and Project Proponents, prior to the development of EIA Sectoral Guidelines for the Myanmar Tourism and Hospitality Sector which MCRB has committed to work on, together with IFC and, subject to confirmation, funding from the Helmsley Trust.

PROPOSED PERMISSIBLE ACTIVITIES, AND ADDITIONAL STANDARDS AND REQUIREMENTS BY ZONAL TYPE

The following are in addition to the above requirements for all projects in the Archipelago.

RED: Core conservation zones (CCZ) to protect critical coastal and marine ecosystems

- Tourist access highly regulated and restricted.
- No tourism development without the approval of the Nature and Wildlife Conservation Directorate, MONREC. Exceptionally, concessions may be granted by NWCD/MONREC to small eco-resorts focussed on diving and boat-based dive operations.
 - Maximum size/design and appearance to be defined
 - Strict rules on construction, energy, water, waste, anchoring etc
 - Site-specific requirements especially for biodiversity protection (net positive?)

ORANGE: Core conservation zones (CCZ) to protect critical mangrove and mudflat ecosystems

- No clearing of mangrove habitat for hotel or tourism infrastructure development

YELLOW: Buffer zones for sensitive ecosystems to protect and sustainably manage coastal and marine resources

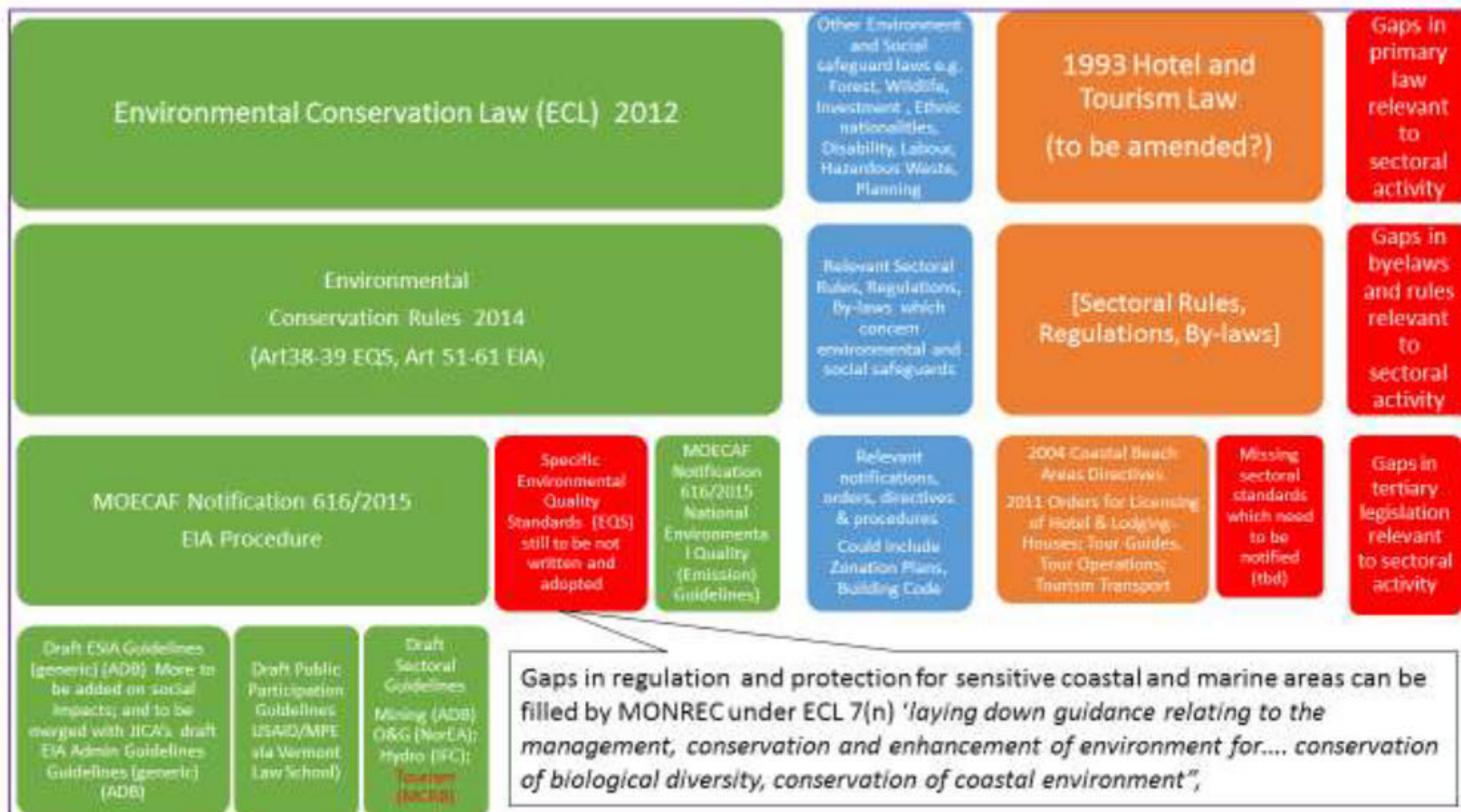
- Resorts/hotels permitted, but under strict environmental rules and regulations (to be further defined).
 - Maximum size/design to be defined
 - Additional rules on construction, energy, water, waste, anchoring etc

BLUE: Locally Managed Marine Areas (LMMAs)

As for Yellow, and additionally:

- Resorts/hotels permitted upon agreement from LMMA committee
- Development consistent with Fisheries Notification rules and regulations

PURPLE: Indicates land cover comprising intact mangrove areas:



Annex 1: The hierarchy of environmental and social safeguards in Myanmar (source: MCRB)