

LEGAL ASPECT OF ECOTOURISM AND LOCAL BIODIVERSITY CONSERVATION IN MYANMAR

Theint¹

Abstract

This study assesses the potential of Myanmar's ecotourism sector to contribute to environmental conservation initiatives. Myanmar, with its rich biodiversity and numerous protected areas, offers unique opportunities for the advancement of sustainable tourism practices. This study analyzes the regulatory structures that oversee the ecotourism industry, with an emphasis on sustainable development and the preservation of the environment. A thorough examination of the Myanmar Ecotourism Policy and Management Strategy for the years 2015 to 2025, along with pertinent legal documents, reveals significant legal stipulations, obstacles, and prospects associated with the advancement of ecotourism. Data were collected field surveys and interviews conducted with local communities and ecotourism operators. The research indicates that the main legal challenges in ecotourism consist of insufficient regulatory structures, conflicts between commercial interests and environmental conservation, as well as a lack of adequate community engagement. The findings suggest that enhancing regulatory enforcement and encouraging increased community participation are crucial for the sustainable advancement of ecotourism. Policymakers should focus on creating fair laws that promote the growth of tourism while also safeguarding environmental resources. The findings suggest that ecotourism exerts both beneficial and detrimental effects on local biodiversity, as heightened awareness and conservation initiatives are counterbalanced by disruptions to habitats. The results indicate that the implementation of sustainable ecotourism practices is crucial for achieving a harmonious balance between conservation efforts and the advancement of tourism development. Suggestions are offered to improve the legal framework, encourage community involvement, and ensure the preservation of natural heritage in Myanmar.

Keywords; ecotourism, local biodiversity, sustainable development, tourism management, conservation.

Introduction

Traveling to natural environments presents a significant opportunity to explore breathtaking landscapes while simultaneously contributing to the preservation of fragile ecosystems. It can also yield economic advantages for local communities and foster conservation initiatives. To maximize the benefits of ecotourism, it is essential to prioritize minimal environmental impact alongside sustainable and equitable economic development. This type of tourism emphasizes environmental conservation and responsible travel behaviors. It encompasses visits to national parks for wildlife observation, cultural education, and the appreciation of natural beauty.

The Executive Secretary of the Convention on Biological Diversity adds, “Without a doubt, however, the greatest contribution that tourism makes is in opening minds to the wonders of nature”. Currently, tourism stands as the dominant global industry, with unprecedented numbers of visitors to protected areas seeking to experience the marvels of the natural world.

Myanmar is located in South East Asia with a total land area of 261,228 sq miles. The land is so well endowed with a diversity of species, such as tigers, asian elephants, sumatran rhinoceros, white-bellied heron, irrawaddy dolphin and a variety of natural resources, including tropical evergreen, mixed deciduous, dry deciduous dipterocarp, mangrove, hill and temperate

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evergreen and dry thorn forests, that it is an absolutely wonderful paradise for ecotourism in Myanmar. The national ecosystems are recognized as one of Asia's significant biological reservoirs. Therefore, it is the Ministry of Natural Resources and Environmental Conservation's responsibility to protect and maintain these forests.

Aims and Objectives

This paper aims to develop and enhance laws and regulations that support sustainable ecotourism and biodiversity conservation. And the objectives of this paper are protecting and preserving the diverse ecosystems and species found in Myanmar through effective management of protected areas and raising awareness about the importance of biodiversity conservation and promoting educational programs that highlight the benefits of ecotourism.

Method

The methods used for this research are the qualitative method and quantitative method. This research paper encompasses a comprehensive examination of literature and legal resources pertaining to international and national law and policy. Additionally, it entails an evaluation of legal instruments related to ecotourism and local biodiversity conservation in Myanmar. Data was collected through field surveys and interviews with local communities and ecotourism operators.

Results and Discussion

1 Benefits of Ecotourism

According to the International Ecotourism Society, ecotourism is now defined as “responsible travel to natural areas that conserves the environment, sustains the well-being of the local people, and involves interpretation and education”. Education is meant to be inclusive of both staff and guests.

In Myanmar, the term ecotourism refers to tourism-related activity in and around its protected areas, that focuses upon management tools, systems and processes to deliver three elements: biodiversity and ecosystems conservation; education and learning to enable hosts and visitors to understand and engage with management approaches to protect and conserve the natural and cultural assets of these areas; and economic and social benefits to communities in and around protected areas to reduce and eliminate unsustainable practices, and engage them in collaborative approaches to protected area management.²

² Ministry of Natural Resources and Environmental Conservation, Ministry of Hotels and Tourism, Myanmar Ecotourism Policy and Management Strategy for Protected Areas, 2015-2025.

Ecotourism in Myanmar encompasses tourism activities that take place within and near its designated protected areas, as well as other natural environments throughout the country. This form of tourism emphasizes the implementation of three fundamental components: the conservation of biodiversity and ecosystems; the provision of educational opportunities for both hosts and visitors regarding the safeguarding and preservation of the natural and cultural resources in these regions; and the generation of economic and social advantages for local communities, which serve to a) diminish the pressure on natural resources and b) promote collaborative efforts in the management of protected areas.³

The United Nations has created a list of 17 Sustainable Development Goals in 2016, with the hope of achieving them by the year 2030. Each goal has a list of smaller, possibly more attainable sub-goals. Each of the 17 goals is interconnected with each other, so the achievement in one goal will help to achieve some of the others. According to the United Nations World Tourism Organization (UNWTO) website *Tourism for SDG's*, tourism can aid in achieving every one of the UN's 17 sustainable development goals. These are no poverty, zero hunger, good health and wellbeing, quality education, gender equality, clean water & reliable sanitation, affordable and clean energy, decent work and economic growth, industry, innovation and infrastructure, reduced inequalities, sustainable cities and communities, responsible consumption and production, climate action, life below water, life on land, peace and justice, partnerships for the goals.⁴

Currently, there is growing evidence indicating that both direct and indirect negative effects may be influencing biodiversity and ecological well-being due to invasive species, habitat destruction, and various other intricate factors that remain inadequately comprehended. Many of these impacts are not sufficiently recognized or effectively managed. However, there is potential for mitigation if individuals become more cognizant of these effects and the strategies to counteract them, alongside the establishment of policy frameworks that provide incentives for their reduction.⁵

Ecotourism and Effect of Local Biodiversity in Myanmar

Myanmar's 21 officially recognized ecotourism sites present a rich array of nature-oriented attractions. These include a variety of exotic wildlife, such as wild elephants, leopards, tigers, gibbons, turtles, and numerous rare bird species. Additionally, the sites feature remarkable plant life, encompassing mangroves and rare orchids, alongside breathtaking landscapes that range from the majestic Himalayan peaks to picturesque tropical islands. In addition, seven of the PAs are ASEAN Heritage Parks, namely Alaungdaw Kathapa, Hkakaborazi, Indawgyi, Inlay, Lampi, Meinmahla Kyun and Natmataung. The government of Myanmar recognizes the necessity for enhanced efforts to raise both national and international awareness regarding the importance and unique characteristics of its protected areas. This includes a commitment to

³ MONREC, ICIMOD, *Guidelines for Developing Ecolodges in Myanmar*, 2017.

⁴ *Ecotourism World, Environmental Issues, Nature Conservation, Sustainable, How Tourism Contributes to the UNs SDGs*, May, 2020.

⁵ IUCN, hane Feyers, Sarah Tolbert, Marissa Altmann, *Critical Analysis and Global Insights for IUCN Intervention in the Tourism Sector, Technical Report*, 2016-2017.

fostering a unified strategy for the interpretation of high-traffic protected areas, such as its ASEAN Heritage Parks and RAMSAR site.⁶

The local biodiversity in Myanmar has a dual impact on ecotourism, encompassing both advantageous and detrimental aspects. Economically, biodiversity plays a pivotal role in supporting sectors such as agriculture, fisheries, and tourism, thereby significantly bolstering both local and national economies.

The adverse consequences include overexploitation, where the heightened demand for natural resources results in practices such as overfishing, logging, and poaching, thereby endangering various species and their habitats. Additionally, habitat destruction through deforestation and the conversion of land for agricultural and urban purposes diminishes biodiversity and disrupts ecological balance.

Achieving a harmonious balance between conservation efforts and economic development is essential for safeguarding the diverse biodiversity of Myanmar while effectively tackling these challenges.

Principles of Ecotourism

Ecotourism is characterized by its non-consumptive and non-extractive nature, fostering an ecological awareness and embodying eco-centric values and ethics concerning the natural environment. It aims to integrate conservation efforts, community engagement, and sustainable travel practices. Consequently, stakeholders involved in the implementation, participation, and promotion of ecotourism activities are encouraged to adhere to its foundational principles. These principles include minimizing physical, social, behavioral, and psychological impacts; enhancing environmental and cultural awareness; and fostering mutual respect. Additionally, ecotourism seeks to provide enriching experiences for both visitors and hosts, generate direct financial support for conservation initiatives, and create economic benefits for local communities and private enterprises. It also aims to offer visitors meaningful interpretative experiences that heighten their awareness of the political, environmental, and social contexts of the host countries. Furthermore, it emphasizes the design, construction, and operation of low-impact facilities while recognizing and respecting the rights and spiritual beliefs of local peoples, collaborating with them to promote empowerment within their communities.⁷

Legislative Frameworks of Ecotourism

To effectively manage tourism, it is essential for managers to comprehend the broader international landscape. A significant global trend is the emphasis on international collaboration and coordination in the conservation of protected areas. This trend is manifested through a range of international designations and initiatives for protected areas that have emerged since the 1970s. These initiatives encompass legally binding agreements, such as the World Heritage and Ramsar Conventions, as well as the Convention on Biological Diversity (CBD). Additionally, there are voluntary programs like UNESCO's Man and the Biosphere Programme, which includes an international network of biosphere reserves, and the newly established Key

⁶ Ministry of Natural Resources and Environmental Conservation, Ministry of Hotels and Tourism, Myanmar Ecotourism Policy and Management Strategy for Protected Areas, 2015-2025.

⁷ TIES, TIES Announces Ecotourism Principles Revision, 2015.

Biodiversity Areas Partnership. Each of these initiatives establishes conservation standards and outlines requirements for monitoring and remediation when necessary. To qualify for these international designations, prospective protected areas must adhere to these standards and comply with relevant laws at various governance levels. All of these initiatives hold significance for the tourism sector.

IUCN defines a protected area is expanded by six management categories; Ia Strict nature reserve, Ib Wilderness area, III Natural monument or feature, IV Habitat/species management area, V Protected landscape or seascape, VI Protected areas with sustainable use of natural resources. IUCN defines four governance types. These are Type A. Governance by government, Type B. Shared governance, Type C. Private governance, Type D. Governance by Indigenous Peoples and local communities.⁸

According to the Constitution of the Republic of the Union of Myanmar, 2008, The Union is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union, shall enact necessary law to supervise extraction and utilization of State owned natural resources by economic forces.⁹ The Union shall assist to promote socio economic development including education, health, economy, transport and communication, so forth, of less-developed National races.¹⁰

The categories of protected areas are as follows: Scientific Reserve; National Park; Marine National Park; Nature Reserve; Wildlife Sanctuary; Geo-features Significant Area; Community Conserved Protected Area.¹¹

In conformity with the guidance given by the Committee or Minister, the Forest Department shall carry out the duties permitting research and public visits for recreation within national parks without any adverse impact on the ecosystems.¹²

The Director General may, with the approval of the Ministry designate buffer zones in protected areas for regional development activities, socio-economic development of local community and ecotourism development without any adverse impact on core zone. The community forestry, community-based tourism and management of locally managed marine area may be permitted in a designated buffer zone in accordance with procedures by stipulating conditions; accept or reject an application applied by a person or a business entity in accordance with prescribed procedures to operate an ecotourism business and related activities in protected areas.¹³

The duties of a park warden are to effectively manage buffer zones focusing on development of local community livelihood but without having adverse impact on core zones of protected areas and to administer ecotourism development in buffer zones of protected areas.¹⁴

⁸ IUCN, Tourism and Visitor Management in Protected Areas, Best Practice Protected Area Guidelines Series No. 27, 2018.

⁹ Section 37(a), (b), Constitution of the Republic of the Union of Myanmar, 2008.

¹⁰ Section 22(c), Constitution of the Republic of the Union of Myanmar, 2008.

¹¹ Section 8, Conservation of Biodiversity and Protected Areas law, 2018.

¹² Section 17 (b), Conservation of Biodiversity and Protected Areas law, 2018.

¹³ Section 13 (g), (h), Conservation of Biodiversity and Protected Areas law, 2018.

¹⁴ Section 18 (g), Conservation of Biodiversity and Protected Areas law, 2018.

The functions and responsibilities of the Forest Department are as determining environmental service fee for carrying out business/economic activities/scheme in the forest land.¹⁵

The Director General shall stipulate terms and conditions along with the permit for ecotourism business and related activities within protected areas under sub-section (h) of section 13.¹⁶

Under the Tourism Law, 2018, the functions and duties of the State, Region or Union Territory Tourism Working Committee formed by the Ministry of Hotels and Tourism are coordination with the Nay Pyi Taw Council, relevant State or Regional Governments, Regional Government Organization and Private Sector Tourism Associations to implement activities which support the development of tourism in various tourist destinations, enhance standards and service quality, protect culture and environment, and develop human resources.¹⁷

The primary government agency is responsible for the planning and management of Myanmar's protected areas. MOECAF: designates protected areas, zoological and botanical gardens; and implements policies related to the conservation of national protected areas and the protection and study of wildlife together with the habitats of endangered flora and fauna. Through its Ecotourism Steering Committee, MOECAF also: designates protected areas suitable for recreation and ecotourism; stipulates conditions under which persons or companies may operate ecotourism-related businesses inside protected areas; sets out ecotourism policies for PAs, and in their implementation coordinates with related departments and organizations including the private sector; and supervises and monitors activities in PAs to ensure sustainability of practices.¹⁸

Recognizing the benefits and demand for tourism activity in and around its protected areas, MOECAF designated 15 ecotourism sites in 2005, and expanded this number to 21 in 2011. Sites were designated according to a number of factors including their historical context, accessibility, key natural and cultural features and the presence of a PA staff and Warden's Office. Responsibilities for managing ecotourism within MOECAF are divided between two committees, namely an Ecotourism Steering Committee (ESC) and an Ecotourism Working Committee. Within the context of its PAs and designated ecotourism sites, the Steering Committee is responsible for: "(i) formulating Ecotourism Policies; (ii) issuing orders and directives to implement ecotourism in accordance with laws and procedures; (iii) permitting the ecotourism related matters, submitted by the Ecotourism Working Committee, in accordance with protocols; (iv) coordinating with relevant departments and organizations; (v) coordinating with foreign and local ecotourism agencies, organizations and companies; and, (vi) giving guidance for the sustainable development of ecotourism."¹⁹

Through its Ecotourism Working Committee, MOECAF also: implements ecotourism policies and activities in PAs; recommends the designation of PAs as ecotourism sites; sets out rules and regulations permitting ecotourism activity in PAs, where approved by higher

¹⁵ Section 9 (i), Forest Law, 2018.

¹⁶ Section 14, Conservation of Biodiversity and Protected Areas law, 2018.

¹⁷ Section 10(f), Myanmar Tourism Law, 2018.

¹⁸ Ministry of Natural Resources and Environmental Conservation, Ministry of Hotels and Tourism, Myanmar Ecotourism Policy and Management Strategy for Protected Areas, 2015-2025.

¹⁹ MONREC, Notification No. 90, 4 May 2011.

authorities; processes applications for ecotourism activity in PAs; issues permits to travel to PAs where approved by higher authorities; submits to the Management Committee, the monthly registered data of entries to ecotourism destinations; develops income generation strategies for nature conservation; administers ecotourism activities in wildlife sanctuaries and botanical gardens; coordinates with related departments, domestic and international tourism organizations for the development of ecotourism; and, provides guidance and other institutional support to PA ecotourism committees.²⁰

PA Ecotourism Committees function similarly to destination management organizations, sharing comparable structures and responsibilities; however, their primary emphasis is on the ecotourism framework within a designated protected area. Additionally, these committees collaborate with the Ministry of Environmental Conservation and Forestry (MOECAF) to execute policies, initiatives, and activities, all while adhering to the guiding principles of ecotourism established in Myanmar.²¹

The following five-year management strategy sets out six strategic programs and series of key objectives to implement the core policy objectives laid out in Part II. The six strategic programs are to: strengthen institutional arrangements; strengthen ecotourism planning in and around protected areas; engage local communities; invest in infrastructure and responsible business models; strengthen research and monitoring frameworks; and, strengthen marketing and interpretation. Among other key policies and plans, the six strategic programs align with the National Comprehensive Development Plan, the Myanmar Tourism Master Plan and the National Forest Master Plan.²²

Efforts to enhance the legal and regulatory framework for ecotourism and Protected Areas (PAs) involve a comprehensive evaluation of the existing Protection of Wildlife and Protected Areas Law, along with its associated regulations. This evaluation aims to pinpoint necessary actions that will establish a more transparent legal and regulatory foundation for ecotourism activities within PAs. Particular emphasis will be placed on the guidelines and processes for the establishment and management of ecotourism enterprises in these areas, alongside the development of an Ecotourism Partnerships Framework tailored for PAs. Additionally, initiatives will be implemented to assess and authorize tour operators and guides engaged in commercial activities within PAs, as well as to elucidate the permissions and procedures required for accessing these protected areas.²³

Businesses in the Tourism sector have the responsibility to: operate in a responsible and sustainable manner and safeguard traditions and culture, and conserve the natural environment of Myanmar.²⁴

If the hotel or guest house operator wants to carry out the construction and renovation of the hotel or guest house building before the commencement of the business, he/she must apply for the prior approval to the Regional Tourism Committee with Form 1 together with the following evidence documents the recommendation of the Department of Environmental

²⁰ Ibid.

²¹ Ibid.

²² MONREC, Notification No. 90, 4 May 2011.

²³ Ministry of Natural Resources and Environmental Conservation, Ministry of Hotels and Tourism, Myanmar Ecotourism Policy and Management Strategy for Protected Areas, 2015-2025.

²⁴ Section 14 (a), (b), Myanmar Tourism Law, 2018.

Conservation in relation to whether there is any damage to the environment and if the proposed land and building is adjacent to the forest and environmental conservation area, the recommendation letter from the Department of Forestry.²⁵

The entrepreneur shall apply the prior permission attached with the evidence documents: the Recommendation from the Environmental Conservation Department²⁶ and the Recommendation from the Department of Forestry if the proposed land and building is located continuously with the forest and preserved natural environment area.²⁷

According to the Directive for Hotel Business, 2019 and Directive for Guest House Business, 2019 provided the environmental Conservation measures such as trash and wastewater must be disposed of in accordance with the direction of the relevant non-polluting department. Generators must be installed in accordance with the direction of the relevant department to avoid disturbing the environment.²⁸

Neither he nor his guests shall be warned to engage in ideological actions that may undermine the character, cultural, traditions, and systems of life of the local people in the destination area.²⁹

The proliferation of ecotourism typically coincides with the establishment of extensive tourism infrastructure, an influx of visitors, and heightened human activities in ecotourism regions, all of which pose risks to the natural ecosystems that serve as the primary draw. Consequently, achieving a harmonious balance between tourism development and environmental preservation is imperative. It is vital to engage in collaborative initiatives aimed at formulating sustainable ecotourism policies that emphasize nature conservation and mitigate detrimental impacts, thereby ensuring that ecotourism can deliver enduring positive outcomes for both the environment and local communities.³⁰

Examples of Ecotourism and Effect of Local Biodiversity Conservation in Ayeyarwady Region

The Meinmahla Kyun Wildlife Sanctuary, situated in the southern region of the Ayeyarwady Delta, was established in 1994 and encompasses an area of 33,776 acres in Myanmar. Recognized as a protected area, it received accreditation as an ASEAN World Heritage Park in 2003. This sanctuary is located within Bogalay Township and is characterized as an island within the Ayeyarwady Delta. The predominant ecosystem is a mangrove forest, which is vital for the local biodiversity. In 2017, it was designated as a Ramsar site, highlighting

²⁵ Section 26 (i), (n), Myanmar Tourism Rules, Notice No. 1/2020.

²⁶ Section 2 (k), Order for the Application of Prior Permission for the Construction and Renovation of Hotel and Guest House, Order No.1/2019.

²⁷ Section 2 (o), Order for the Application of Prior Permission for the Construction and Renovation of Hotel and Guest House, Order No.1/2019.

²⁸ Appendix (m), Directive for Hotel Licence Holders, 2019, Appendix (h), Directive for Guest House Licence Holders, 2019.

²⁹ Section 2(h), Directives for Tour Guide Licence Holders, 2019 and Directives for Regional Tour Guide Licence Holders, 2019.

³⁰ Yulian Purnama, Achmad Gilang, Andin Rusmini, Legal Challenges in the Development of Ecotourism as Part of the Tourism Business, *Journal of Contemporary Administration and Management (ADMAN)*, Vol.1, Issue 3. December 2023.

its significance in wetland conservation. Visitors to the sanctuary have the opportunity to observe various endangered species, including crocodiles, turtles, waterbirds, fish, and migratory birds.

Mangroves are integral to the field of ecotourism. In the Ayeyarwady Delta, the interplay between mangrove ecosystems and ecotourism is both significant and complex. This relationship encompasses various positive aspects, such as habitat conservation, educational initiatives, sustainable development, ecosystem services, and cultural enrichment. By fostering responsible tourism practices, mangroves can facilitate a harmonious balance between ecological conservation and economic advantages. However, ecotourism can also pose several detrimental effects on mangrove habitats, including habitat disruption, pollution, depletion of resources, erosion, climate change repercussions, and disturbances to wildlife. Therefore, the implementation of effective management strategies is essential to mitigate these adverse effects and promote sustainable ecotourism practices.

The Marine Research Centre of Patheingyi University, in collaboration with Worldview Myanmar, has established the first mangrove gene bank, which is designed to protect and facilitate research on these vital species. The gene bank is currently operational and is managed by Patheingyi University. Mangrove species sourced from diverse coastal areas of Myanmar have been nurtured in a nursery before being transferred to the gene bank site located in Shwe Thaung Yan. This project is part of the Thor Heyerdahl Climate Park, located in the Ayeyarwady Region of Myanmar. The park serves as a resource center in collaboration with local, regional, and national institutions, enabling the successful completion of comprehensive initiatives. Patheingyi University, a prominent academic institution located in the coastal west, has recently been recognized as a university of excellence. Ongoing research projects conducted by the faculty have equipped both students and academic staff with essential skills and capacity-building opportunities. As a result, regional governments have allocated 1,800 acres for the purposes of mangrove restoration and climate change adaptation. Effectively implementing mangrove restoration in at-risk coastal regions will not only safeguard human lives but also generate new opportunities for the populations. This initiative will act as a catalyst for climate change mitigation, fostering sustainable social and economic development.

The Sea & Lake garden encompasses an area of 300 acres in Shwe Thaung Yan. The Mangrove View Resort serves as a deep connection to the natural environment. Situated amidst the mangrove forests, a saltwater river gently meanders adjacent to the hotel grounds. Guests can explore the mangrove forest by taking a leisurely walk along a 600-foot bridge constructed entirely of timber. The development of Sea & Lake garden in this region can offer economic benefits, such as employment opportunities and increased tourism revenue, however, it also presents considerable threats to the delicate mangrove ecosystems.

Mangrove degradation resulting from construction activities can occur through several significant mechanisms. Firstly, deforestation involves the clearing of land for buildings, roads, and other infrastructure, which directly eliminates mangrove habitats. Secondly, soil disturbance can result in erosion and destabilization of sediments, adversely affecting the integrity of remaining mangrove areas. Additionally, construction activities often lead to increased runoff of sediments and pollutants into adjacent waterways, which can be detrimental to mangrove ecosystems. The use of construction materials may also result in chemical spills, introducing toxic substances into the environment. Furthermore, dredging operations that involve the excavation of water bodies can alter natural hydrological patterns, thereby compromising the

health of mangrove forests. The establishment of drainage systems can further exacerbate the situation by lowering water levels, which is critical for the hydrological balance necessary for mangrove survival. Lastly, the removal of natural barriers during construction can heighten coastal erosion, leading to further loss of mangrove areas. Moreover, construction activities may unintentionally facilitate the introduction of invasive species, which can outcompete and threaten native mangrove populations.

The cumulative effects of these impacts pose significant risks to the ecological functions of mangroves, which include their contributions to carbon sequestration, shoreline protection, and the support of biodiversity. It is essential to implement sustainable planning and management strategies to alleviate these adverse effects. In the Ayeyarwady Region, it is imperative to strike a balance between the development of sea and lake gardens and the conservation of mangrove ecosystems. By adopting sustainable practices, it is possible to safeguard these critical environments while simultaneously fostering economic development and enhancing community well-being.

Funding Mechanisms

The Nature and Wildlife Conservation Division (NWCD) of the Forest Department of MONREC is the government agency that is mandated to oversee PA management, and is allocated the budget also. This budget comes from Union funds. The majority of PA revenues was earned from the provision of tourism activities such as land rental and concession fees. Besides NWCD, some other government agencies share the revenue of earning from recreation and tourism. MOHT collects entrance fees in Hkakaborazi and Natmataung National Parks and Lampi Island Marine National Park. The collected zone fees at Inle Lake Wildlife Sanctuary is partially retained by Shan State Government.³⁰

PA revenues are not earmarked, retained or reinvested, but are required to remit to the Union Fund, Therefore, they cannot strictly be considered to be a source of conservation funding. WCS recaps that although the law permits a verity of PA revenues to be generated, few of these sources are actually utilized. There are no systems in place that would allow PA income to be retained and reinvestment in biodiversity conservation.³¹

The Ministry shall establish an Environmental Management Fund in the Union Budget in accord with the financial regulations and by-laws of the Union for effective implementation of environmental conservation works in addition to the receipt from the Union Consolidated Fund.³²

The functions of the Tourism Executive Committee are coordinating with relevant government departments and government organizations on activities which will support tourism sector and environmental conservation in order to preserve Myanmar's natural beauty and biodiversity and coordinating with relevant government departments and government organizations on activities which will support conservation of Myanmar's cultural heritage, traditions and environment.³³

³⁰ Thein Soe, Evaluation on Economic Benefits of Protected Areas in Myanmar: A case Study of Lawkananda Wildlife Sanctuary, 2017.

³¹ Ibid.

³² Section 8, Environmental Conservation Law, 2012.

³³ Section 7 (d), (e), Myanmar Tourism Law, 2018.

The functions of the Regional Tourism Executive Committee are transferring licence fees, licence renewal fees, fines and other income related to tourism collected by the branch offices of the Region and State under the Ministry of Hotels and Tourism to the relevant fund.³⁴

The Director General may, with the approval of the Ministry determine a plan to collect entrance fees or other fees related to tourism in protected areas.³⁵

Protected area user fees, especially in developing countries, are often nominal or missing altogether. No users fees have ever been charged at the lake, only international visitors are charged a fee for entering the Inle Zone, currently 10\$. The use of collected fees should be transparent and follow an annual budget. Information should be provided so that visitors and stakeholders can see how funds are being used effectively to sustain ecosystem services. As a result, tourism has yet to raise funds for management or conservation activities.³⁶

China, India, Thailand stand out as successful ecotourism economies in Asia. Crucially, the financing mechanism for this sector in these countries relies primarily on a framework comprising National Strategies and Plans, Environmental Conservation legislation and policies for the reinvestment of revenues derived from protected areas. The growth of infrastructure and establishment of facilities within ecotourism destinations necessitate capital investment sourced from both the public sector and private enterprises. Policies advocate that the economic benefits generated from ecotourism should be distributed to local communities to promote sustainable development and alleviate poverty.

Conclusion and Recommendations

This research has also brought the realization that the financial and socio cultural sectors of country play a crucial role in the field of sustainable development of ecotourism and local biodiversity conservation. Drafting and enacting dedicated legislation for Myanmar's ecotourism sector would significantly enhance regularly efficacy and promote sustainable development within the industry. The formulation of new legislation governing the ecotourism sector in Myanmar necessitates the integration of several core principles to sustainable policy and standards, funding for compensation, local empowerment and equitable benefits, infrastructure management and visitor education and awareness. The proposed law must commence with the clear and statutory definition of ecotourism, distinguishing it from conventional tourism. This definition should legally bind operators to the core principles of the sectors such as the conservation of natural and cultural heritage, the promotion of environmental education and the generation of socio-economic benefits for local communities. Effective sector governance requires a mechanism for harmonizing the divergent mandates of key government entities, particularly Ministry of Natural Resources and Environmental Conservation and Ministry of Hotels and Tourism. All proposed ecotourism projects, must be legally subjected to Environmental Impact Assessment. Specific regulations governing waste management, water usage and the reduction of carbon footprints by operators must be promulgated. The legislation must institute a system for the issuance of ecotourism licenses, predicated on the applicant's adherence to a set of environmental ethical performance standards such as infrastructure design,

³⁴ Section 10 (h), Myanmar Tourism Law, 2018.

³⁵ Section 13 (f), Conservation of Biodiversity and Protected Areas Law, 2018.

³⁶ Ei Sandi Sett, Yanhong Liu, Assessement of the Existing Tourism-Park-Community Relationships: A Case Study in the Inle Lake Wildlife Sanctuary, Myanmar, International Journal of Science, Volume 3, February 2014.

operational practices and visitor educational protocols. To ensure social equity, the law must mandate the meaningful participation of local communities in the planning, management and monitoring of ecotourism activities within adjacent to their ancestral lands. A crucial legal provision must be the establishment of a transparent and compulsory benefit-sharing-mechanism, requiring licensed ecotourism enterprises to allocate a prescribed percentage of their gross revenue directly to local conservation funds and community development initiatives. The law must empower the relevant governmental authorities to conduct regular, independent audits of license operators and prescribe a clear hierarchy of enforcement measures.

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