

30 April 2015

HE Vice President U Nyan Tun,

Chair of the Tourism Development Central Committee,

Naypyidaw



**PROTECTING MYANMAR'S COASTAL TOURISM POTENTIAL - NGAPALI & BEACH SAND MINING**

I am writing firstly to apologise for omitting to send you a hard copy of Myanmar Centre for Responsible Business' Tourism Sector Wide Impact Assessment (SWIA), in your role as the Chair of the Tourism Development Committee. I enclose a copy of the full report in English language and the executive Summary and Full Recommendations in Myanmar. I hope you found this interesting and useful. I would be happy to brief you, or someone from your team on this.

MCRB was grateful for the opportunity to present the SWIA to the 6 April Tourism Sector Working group at the invitation of HE U Htay Aung, and we are grateful to him and his Ministry for their full cooperation before, during and after our assessment.

As you may be aware, MCRB was established in 2013 to provide an effective and legitimate platform for the creation of knowledge, capacity and dialogue concerning responsible business in Myanmar, based and local needs and international standards, which results in more responsible business practices.

After publication of the assessment in February 2015, several people in Ngapali contacted us about the increasing problem of sand-mining on Ngapali's beautiful beaches, and sought MCRB's advice on how this could be addressed. You are no doubt also aware of recent press coverage<sup>1</sup> as well as the popular local poster campaign. You may be aware of the petition organised on change.org<sup>2</sup> to bring this issue to

<sup>1</sup> <http://www.mmmtimes.com/index.php/in-depth/13497-fears-for-future-of-ngapali-beach-as-authorities-permit-sand-excavation.html>

<http://www.mmmtimes.com/index.php/national-news/13983-ministry-orders-ban-on-sand-mining.html>

<sup>2</sup> <https://www.change.org/p/president-u-thein-sein-of-myanmar-save-myanmar-s-beautiful-beaches-from-greed-destruction>

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your attention which has attracted support from many lovers of Ngapali's beaches, particularly visitors from overseas.

I know that this is a problem which the President has already expressed concerns about, and that on his visit in October 2013, he gave instructions that the natural environment in Ngapali should be left untouched for future generations.

Although sand-mining was not raised as a specific problem in our SWIA team's visit in 2013/2014 to Ngwesaung and Chaungtha (we did not visit Ngapali), we note in our report that Myanmar faces a challenge protecting the environment at tourism destinations. We reiterated the recommendations made in Myanmar's Tourism Master Plan about the need for better destination management, and community participation in developing destination management plans.

In line with MCRB's objective of sharing knowledge of international standards and good practice from elsewhere, we have done some initial research on sand mining and made contact with some organisations who work on this issue, such as Sandwatch and CoastalCare. I am writing this letter to set out some suggestions based on their experience as well as drawing on MCRB's findings and recommendations from the Sector-Wide Impact Assessment.

The problem of beach sand mining is a global problem and not unique to Myanmar<sup>3</sup>. In recent decades, it has taken place in over 70 countries worldwide. In some of those countries, such as Morocco, and some Caribbean Islands, the negative impacts can no longer be reversed and beaches have disappeared<sup>4</sup>.

As an experienced naval officer you will understand better than me, what the negative impacts of sand removal can be on coastline erosion. You may be less familiar with some of the other impacts which have been seen elsewhere such as:

- **Construction safety:** Beach sand, is unsuitable for building due to its high salinity which leads to corrosion. Furthermore, compared to other forms of sand, the round grains of beach sand are smoother from wave action, and lack the sharp edges and corners to grip the cement/concrete matrix. This structural weakness cannot be changed by washing. Use of beach sand therefore make buildings less stable, and prone to collapse. I know that Rakhine State is a priority for development and that the government has allocated significant sums for health and education, including construction of new schools and clinics. However if these building are built with beach sand, it will put lives at risk, including future generations of children. It is very important that the central and local government take steps to ensure that companies involved in the construction of these state facilities does not use beach sand.
- **Negative impacts on tourism, Ngapali's main source of jobs and revenue:** Tourists visit Ngapali for its white sand beaches and unspoilt environment. As a result, local incomes have greatly increased,

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<sup>3</sup> <http://coastalcare.org/2014/04/sand-rarer-than-one-thinks-un/>

<sup>4</sup> <http://coastalcare.org/wp-content/pdf/egu-2009.pdf>



including through Myanmar-owned hotels employing local people, restaurants owned by local Rakhine people, and the sale of souvenirs and other tourism services. But that international tourism market is fragile, since Ngapali is usually taken as an add-on to a Myanmar package by tourists looking for a pristine beach experience after visiting Bagan and Inle etc. If there is no beach left at Ngapali, and if their holiday experience is spoiled by the sight of polluting trucks stuck in the waves, as happened recently, and workers – including child labour - digging large holes, the reputation of Ngapali will be damaged and tourists will go elsewhere, including to other Asian countries.

- **Coastal erosion, damage to ecosystem services, and reduced resilience to natural disaster:** Sand mining (together with the construction of sea walls, also a problem at Ngapali) not only causes, but accelerates, coastal erosion by disrupting the natural shape of the beach<sup>5</sup>. Significant destruction from flooding, wave attack, and storm surge (with storms increasingly likely to happen in Rakhine as a result of climate change) is more likely; an eroding beach assumes a steeply sloping profile and the coastline moves inland, ever closer to people and property along the shore<sup>6</sup>. Furthermore, the loss of the beach leads to the loss of other ecosystem services, such as turtle nesting places or places for birds to nest or feed.
- **Good governance and corruption:** Illegal sand mining in other countries such as India and Cambodia<sup>7</sup> has driven corruption and the development of local criminal mafias, and resulted in extrajudicial killing of those speaking out against it. It is important to stop the practice before it develops into a wider form of organised crime in Myanmar.

Sand mining on the beaches of Ngapali has unfortunately been an occasional problem since the first major waves of hotel development in the 1990s. It is regrettable that many of the hotels now in existence used beach sand or disrupted it in some way, including by building beach walls.

Ever since 2004, the Ministry of Hotels and Tourism has tried to take action to ban this practice when conducted by hotels, most recently through the issuing of MoHT Notification 2/15 dated 1 January 2015, concerning the sustainable development of beach areas. Thandwe General Affairs Department issued Notification 1/2015 on 27 January which according to media reports forbids the “digging of sand at the beach”, and says that anyone “found breaking the above-mentioned rules will face serious action according to the law”<sup>8</sup>.

However despite these government actions, sand mining dramatically increased in the first quarter of 2015. The media reports that some of those who were digging on the beach in March claimed they were doing so with recently issued permits from Thandwe GAD and even MOECAP approval. It appears that there is confusion about the current legislative framework, particular for construction for non-hotel purposes. Since Thingyan, it is still uncertain whether the practice has been stopped.

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<sup>5</sup> <http://coastalcare.org/sections/inform/sand-mining/>

<sup>6</sup> [http://www.asbpa.org/publications/fact\\_sheets/HowBeachNourishmentWorksPrimerASBPA.pdf](http://www.asbpa.org/publications/fact_sheets/HowBeachNourishmentWorksPrimerASBPA.pdf)

<sup>7</sup> [https://www.globalwitness.org/sites/default/files/pdfs/shifting\\_sand\\_final.pdf](https://www.globalwitness.org/sites/default/files/pdfs/shifting_sand_final.pdf)

<sup>8</sup> <http://www.mmmtimes.com/index.php/national-news/13983-ministry-orders-ban-on-sand-mining.html>

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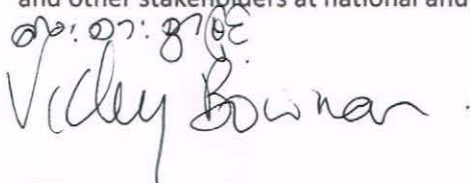
This issue also seems to be becoming a source of conflict in an already sensitive location. It is unfortunate that some of those involved in the business are turning it into an issue with ethnic undertones. Some have argued that they should have the right to take beach sand for construction, since the hotels, owned by 'outsiders', already have. However this short-sighted approach driven by the short-term economic interests of a very small number of people will lead to a long-term lose-lose situation for all in Ngapali.

We also believe that the current situation is a result of widespread ignorance of the long-term environmental effects of taking sand from a beach. There is an understandable, but mistaken, belief that sand is abundant and easily replenished, when the opposite is true<sup>9</sup>. Ngapali's beaches have been built up over millennia. They can be destroyed in less than a decade by sand mining.

We therefore believe that the problem requires an urgent and sustained multistakeholder response. It should combine **strengthening and enforcement of existing legal and policy frameworks; research into the impacts of sand removal, and the economic value of Ngapali's beaches; and education and awareness-raising** about beach protection.

We are therefore writing to you with some initial suggestions (Annex 1) about how this could be achieved to bring an end to the removal of beach sand in Ngapali, and to stop the threat to other beautiful Myanmar beaches. I also hope that these ideas could be useful to you in advance of the launch of Myanmar's **ecotourism strategy** in May.

MCRB has approached this issue from a responsible business and sustainability viewpoint. We do not claim to be experts on beaches. But we believe that by bringing together coastal and tourism experts, as well as relevant government Ministries, businesses, civil society organisations and academic researchers, it will be possible to find a multistakeholder approach which will protect and enhance Myanmar's coastal tourism potential, in Ngapali and beyond. MCRB would be happy to work with your Committee and other stakeholders at national and local level to achieve this.

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**Vicky Bowman,**

**Director**

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HE U Soe Thein, President's Office  
HE U Maung Maung Ohn, Chief Minister, Rakhine State  
HE U Htay Aung, Union Minister of Hotels and Tourism  
HE U Win Tin, Union Minister of Environmental Conservation and Forests

<sup>9</sup> <http://coastalcare.org/2014/04/sand-rarer-than-one-thinks-un/>



## ANNEX 1: SUGGESTIONS FOR PRESERVING MYANMAR'S TOURISM BEACHES, INCLUDING NGAPALI

### Legal framework and enforcement

The government could

- **clarify and reinforce the existing Myanmar legal framework concerning sand mining**, first outlined in the Ministry of Hotels and Tourism's 2004 Directives for Coastal Beach Areas, and most recently in MoHT's Notification 2/2015. Article 2(g) of 2/2015 this forbids sand-mining. But this could be interpreted as only applying to sand used for hotel construction. This point could be clarified by immediately recirculating MoHT Notification 2/2015 to all Chief Ministers in States/Regions with coastlines with the **Presidential** instruction that the ban on **all** sand-mining should be implemented and enforced, **regardless of the intended end-use of the sand**
- instruct the relevant authorities to **take action according to the law** against any local officials and businessmen who continue to mine beach sand in breach of MoHT Notification 2/2015 and Thandwe GAD Notification 1/2015, and publicise this to raise awareness and discourage others.
- **issue an immediate instruction for safety reasons banning the use of untreated beach sand to construct any government-owned building**, such as schools, hospitals etc.
- make use of the relevant provisions of the **2012 Environmental Conservation Law (ECL)** to reinforce Notification 2/2015. Under Article 7(n) of the ECL<sup>10</sup>, the Ministry of Environmental Conservation and Forests (MOECF) has a remit to give **guidance** on coastal protection, and also has the power to adopt Regulations and Directives to give effect to the Law. It would strengthen the MoHT Notification if MOECF were to:
  - **adopt a Directive to ban beach sand mining for all end-uses**, under Article 42 of the ECL, and prosecute anyone breaching this Directive under Article 32
  - **propose the adoption of a Coastal Protection Law** or alternatively, of Coastal Protection Regulations under Article 42 of the ECL, and consult widely on any draft law/regulations.

### Policy

#### **Ecotourism**

- The launch of Myanmar's **Ecotourism Strategy** on 19 May, which we understand may be attended by the Vice-President HE U Nyan Htun as Chair of the Tourism Development Central Committee, offers the **opportunity for the Government to highlight the actions it is taking to preserve Myanmar's beaches** as part of the Ecotourism Strategy. This could include announcing a Presidential instruction to end all removal of beach sand, whatever the end-use (see above).

#### **Coastal Tourism**

- The **Tourism Development Central Committee**, which encompasses a number of relevant ministries including Hotels and Tourism, Home Affairs, Transport, Environmental Conservation and Forestry (MOECF), Culture, National Planning and Economic Development as well as the Region/State Chief

<sup>10</sup> Article 7, CL 2012. 'The duties and powers relating to the environmental conservation of the Ministry are as follows:....(n) laying down guidance relating to the management, conservation and enhancement of environment for the matters of protection of ozone layer, conservation of biological diversity, **conservation of coastal environment**, mitigation and adaptation of global warming and climate change, combating desertification and management of non-depleting substances and management of other environmental matters.'

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Ministers and Myanmar Tourism Federation might want to **consider a coastal tourism strategy**. It could be developed with the businesses and communities in beach regions with tourism potential. This could be complemented by the above-mentioned Laws, Regulations and Directives.

#### **Use of Beach Sand in Construction**

- Construction in Myanmar, including in coastal areas, is likely to accelerate in the next decade as Myanmar develops. Furthermore, Myanmar's sand resources may be under increased pressure to be exported to neighbouring countries. This demand for construction sand could impact not only tourist beaches, but also coastal rivers and other sandy areas with negative environmental impacts. To avoid the problems experienced in other countries, the Government could work with experts to **develop a strategy for using Myanmar's sand resources** in ways which maximises national economic benefit, minimises environmental impacts and ensures safety.
- In addition to the government issuing an immediate ban on use of untreated beach sand in constructing government buildings (see above and the example from Shenzhen China<sup>11</sup>), the **draft Building Code** being developed as a joint initiative between the Ministry of Construction and UN-Habitat, the Myanmar Engineering Society could include a ban on the use of untreated beach sand for construction purposes.

#### **Awareness-raising and education**

- The relevant authorities including MOECF's Environmental Conservation Committee, the Ministry of Education, and the MoHT could **undertake appropriate education on beach protection**, particularly in schools in coastal areas, as envisaged under Article 6 of the ECL<sup>12</sup>. This could draw on globally successful programmes such as Sandwatch from UNESCO<sup>13</sup>.
- Local authorities, with MOECF and MoHT guidance, could **erect signboards** at beach areas at risk. These should, in Myanmar language and pictures, outline problems caused by sand-mining, and highlighting relevant laws and by-laws.

#### **Research**

Scientific research into the value of Myanmar's marine and coastal ecosystems is lacking as a result of funding and local academic research capacity. However there are now many environmental research organisations and universities working in Myanmar in partnership with local academics and researchers. Furthermore, the entrance of new oil and gas companies into Myanmar, many of them with strong marine research capability, offers new opportunities to access funding and expertise. In particular, offshore oil and gas companies in Rakhine State are aware that through their activities in Myanmar, they should consider how to use their particular strengths to support the development of local economies, and create jobs, such as through tourism. These companies might therefore be approached as a source of financial and technical support for research on how to protect Rakhine's beaches.

<sup>11</sup> 'Sand Scandal in Shenzhen', Uncube blog, 28 March 2013

<sup>12</sup> Article 6 ECL. The powers of the Committee are as follows: (a) carrying out organizational education and activities relating to environmental conservation; (b) suggesting to enable to amend and insert, as may be necessary, the lessons on environmental conservation contained in school lessons after coordinating with the relevant departments;

<sup>13</sup> <http://www.sandwatch.ca/>