

National Maritime Legislation and Its Enforcement in the Myanmar Maritime Sector

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ABSTRACT

The maritime sector is central to Myanmar's trade, economic development, and environmental governance, yet regulatory effectiveness depends on how consistently the legal framework is enforced. This study evaluates the adequacy of Myanmar's maritime legislation and examines how enforcement capacity shapes legislative effectiveness. A quantitative cross-sectional design was used, with survey data collected from 54 maritime stakeholders, including seafarers, ship operators, administrators, and port professionals. Descriptive statistics, reliability testing, and Pearson correlation analysis assessed relationships across five governance dimensions. Results show that Myanmar's maritime legislation is broadly aligned with major international conventions, but enforcement capacity remains the principal constraint on practical outcomes, evidenced by a strong positive correlation between enforcement capacity and legislative effectiveness ($r = .70, p < .01, R^2 = .49$). The study concludes that institutional strengthening, improved inspection systems, and sustainability-oriented reform are essential to effective maritime governance, and that legislative expansion alone cannot close this gap.

Keywords: *Maritime Legislation, Enforcement Capacity, Maritime Governance, Sustainable Maritime Transport, Myanmar*

Maritime transport underpins the global economy. It carries more than 80% of world trade by volume and over 70% by value, making it a fundamental pillar of international commerce (UNCTAD, 2023) and the connective tissue of economic globalization and supply chain integration (Stopford, 2009). For Myanmar, shipping is not a peripheral concern but a strategic necessity. It is the principal channel through which the country moves energy imports, fisheries exports, and general cargo, and it anchors Myanmar's connectivity within the wider ASEAN trading system (UNCTAD, 2020). As Myanmar continues to open its economy and expand regional trade linkages, the capacity of its maritime sector to operate safely, sustainably, and in line with international expectations has become a matter of both economic and reputational consequence.

Myanmar's maritime regulatory framework is administered by the Department of Marine Administration under the Ministry of Transport and Communications, and it rests on a body of legislation that spans nearly two centuries, including the Myanmar Registration of Ships

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Act (1841), the Myanmar Merchant Shipping Act (1923), the Inland Vessel Law (2015), and the Territorial Sea and Maritime Zones Law (2017). Myanmar has also incorporated core international instruments, including SOLAS, MARPOL, and STCW, into domestic law (International Maritime Organization [IMO], 2022). On paper, then, the legal architecture required for safe and sustainable shipping is largely in place. Yet the persistent question in maritime governance research is not whether such frameworks exist, but whether they are enforced consistently enough to produce the safety, environmental, and welfare outcomes they promise (Knudsen & Hassler, 2011). This study addresses that question directly by examining both the structural adequacy of Myanmar's maritime legislation and, more centrally, the strength of the relationship between enforcement capacity and legislative effectiveness.

LITERATURE REVIEW

Theoretical Foundations of Maritime Regulatory Enforcement

Regulatory enforcement theory holds that the effectiveness of a governance system is not determined by the existence of formal rules alone, but by the credibility of the mechanisms that enforce them. Responsive regulation theory frames compliance as the product of monitoring, persuasion, and graduated sanctions working together; where enforcement is inconsistent or unpredictable, regulated actors have little incentive to comply even when their legal obligations are unambiguous (Ayres & Braithwaite, 1992). In the maritime domain, this enforcement architecture takes the form of flag State inspections, port State control, detention procedures, administrative penalties, and certification controls. A substantial body of empirical work links inspection intensity to safety outcomes: more rigorous and more frequent inspection regimes are associated with lower accident rates and reduced incidence of substandard shipping (Cariou et al., 2008; Knapp & Franses, 2007), and structured inspection systems have been shown to improve both safety performance and regulatory compliance more broadly (Yang et al., 2013). Longitudinal assessments of global shipping safety point to the same conclusion: measurable improvement over time has tracked the strengthening of enforcement regimes rather than the accumulation of new legislation (Cariou, 2011). Taken together, this literature supports the proposition that enforcement capacity, not legislative volume, is the central determinant of maritime regulatory effectiveness.

International Maritime Governance Framework

The International Maritime Organization sets the baseline for global maritime standards through conventions such as SOLAS (IMO, 1974), MARPOL (IMO, 1978a), and STCW (IMO, 1978b), which establish minimum requirements for ship safety, marine environmental protection, and seafarer training and certification. These conventions, however, are not self-executing; their practical effect depends on domestic legislative incorporation and on the institutional machinery available to enforce them (IMO, 2022). Flag State control governs compliance within a country's own shipping registry, though the rigor of that control varies considerably across registries, and open registries in particular have long faced criticism for weaker oversight of the vessels flying their flag (DeSombre, 2006). Port State control provides a complementary, externally facing layer of enforcement when foreign-flagged vessels call at national ports, and reviews of port State control regimes generally find them an effective check on substandard shipping even where flag State oversight is comparatively weak (Knapp, 2016). Comparative research across maritime administrations consistently finds that states with stronger enforcement regimes achieve higher compliance rates and better safety records than states with comparable legislation but weaker enforcement institutions (Cariou et al., 2008), reinforcing a broader point made in work on the

institutional architecture of maritime governance (Gritsenko, 2016): legislative alignment with international conventions is a necessary but insufficient condition for effective maritime governance.

Maritime Governance in Developing States

Developing maritime administrations frequently encounter structural constraints that limit their enforcement capacity regardless of the quality of their legislation, including limited financial resources, a shortage of technically trained inspectors, and thin institutional capacity more broadly (World Bank, 2020). Under these conditions, a gap tends to open between what the law requires and what is actually implemented on the ground. Institutional capacity, particularly the availability of trained inspectors and functioning administrative systems, has been identified as a key determinant of regulatory performance in exactly this kind of setting (Mitroussi & Notteboom, 2015). Seafarer welfare protections illustrate the pattern well: international minimum standards have existed for some time (International Labour Organization, 2006), yet labour and welfare challenges for seafarers remain especially pronounced in developing maritime economies where enforcement of those standards is inconsistent (International Labour Organization, 2021). This body of work points toward the importance of strengthening enforcement mechanisms alongside, rather than after, legislative development.

Sustainability and Emerging Maritime Challenges

The sector is also being reshaped by pressures that did not exist, or existed only marginally, when much of the older legislation in many national frameworks was drafted. The IMO's greenhouse gas strategy has placed decarbonization and sustainable maritime transport firmly on the international regulatory agenda (IMO, 2023), and the decarbonization literature increasingly treats emissions reduction as inseparable from broader questions of maritime governance and enforcement capacity rather than as a purely technical or engineering challenge (Psaraftis, 2019). Green shipping, autonomous vessel technology, digital certification systems, and smart port development are emerging as governance priorities in their own right (Hareide et al., 2018; Notteboom & Rodrigue, 2020; OECD, 2016, 2019), and international development institutions have begun framing digital transformation itself as a matter of institutional capacity rather than a purely technical upgrade (World Bank, 2022). For a maritime administration such as Myanmar's, responding to these pressures requires more than updating statutes; it requires the institutional and enforcement capacity to translate new policy commitments into operational practice. Without that capacity, sustainability-oriented reforms risk remaining largely symbolic, a concern that motivates much of the empirical focus of the present study.

Aims and Objectives of the Research

Building on this literature, the present study examines both the structural adequacy of Myanmar's national maritime legislation and the strength of the relationship between enforcement capacity and overall legislative effectiveness. It measures stakeholder perceptions across five interrelated governance dimensions: (a) legislative adequacy, (b) legislative process and policy development, (c) enforcement capacity, (d) safety, environmental protection, and seafarers' welfare, and (e) overall effectiveness and sustainability. Enforcement capacity is treated as the primary independent variable of interest, and overall legislative effectiveness as the dependent variable, with the remaining dimensions functioning as explanatory and supporting constructs.

Specifically, the study sets out to:

1. assess maritime stakeholders' perceptions of the structural adequacy of Myanmar's maritime legislation relative to international conventions;
2. examine the strength and direction of the relationship between enforcement capacity and overall legislative effectiveness;
3. evaluate perceived performance across legislative process, safety and environmental implementation, and sustainability orientation; and
4. derive evidence-based implications for policy and institutional reform in Myanmar's maritime sector.

METHODS

Research Design

This study adopts a quantitative cross-sectional research design to examine the relationship between national maritime legislation and its enforcement effectiveness in Myanmar. A quantitative approach was selected to allow objective measurement of stakeholder perceptions and to support statistical analysis of the relationships between constructs. A cross-sectional design permits data to be gathered at a single point in time from multiple respondent groups, making it well suited to identifying patterns and correlations across the governance dimensions under study, even though it does not by itself establish causal direction.

Participants

The target population comprised maritime stakeholders with direct involvement in Myanmar's maritime sector: seafarers, ship operators, maritime administrators, and port professionals. These groups were selected because each interacts directly with maritime legislation and its enforcement mechanisms in the course of their work, giving them the experiential knowledge needed to provide informed responses to the survey instrument.

A purposive sampling technique was used to identify respondents with meaningful professional exposure to maritime regulatory practice. This non-probability approach was chosen deliberately, on the basis that subject-matter familiarity, rather than random representativeness, was the priority for a study concerned with informed perceptions of legislative and enforcement performance. A total of 54 respondents took part in the study. Although this sample size is modest and does not support strong claims of generalizability, it is consistent with accepted practice for exploratory correlation analysis and reliability testing in sector-specific governance research, and it provided sufficient variability for the descriptive and inferential analyses reported below.

Data Collection

Data were collected using a structured questionnaire developed with reference to international maritime regulatory frameworks, regulatory enforcement theory (Ayres & Braithwaite, 1992), and the maritime governance literature reviewed above (Knudsen & Hassler, 2011; Mitroussi & Notteboom, 2015). Responses were captured on a five-point Likert scale (1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree), a format well established for quantifying perception-based constructs in governance and policy research.

The instrument was organized into five sections, each corresponding to one of the study's governance dimensions: Section A, legislative adequacy; Section B, legislative process; Section C, enforcement capacity; Section D, safety and environmental implementation; and Section E, sustainability and overall effectiveness. Each section contained multiple items

designed to capture the structural, procedural, and operational dimensions of maritime governance relevant to that construct.

Data Analysis

Internal consistency was assessed using Cronbach's alpha, which returned a coefficient of .938, a value well above the .90 threshold conventionally taken to indicate excellent internal consistency (Field, 2018) and one that confirms the questionnaire items reliably captured their intended constructs. Construct validity was supported by deriving survey items directly from established maritime governance literature, aligning items with the requirements of international maritime conventions, and maintaining conceptual consistency across the five sections of the instrument.

Descriptive statistics, including means, standard deviations, and frequency distributions, were computed to characterize overall perception levels across the five governance dimensions. Pearson correlation analysis was then used to examine the relationships between enforcement capacity and overall effectiveness, legislative process and effectiveness, safety implementation and effectiveness, and sustainability orientation and effectiveness, with statistical significance evaluated at $p < .05$. Correlation strength was interpreted using conventional benchmarks, where coefficients of .10 to .29 were considered weak, .30 to .49 moderate, and .50 to 1.00 strong (Field, 2018). Finally, the coefficient of determination (R^2) was calculated for the enforcement capacity-effectiveness relationship to quantify the proportion of variance in perceived effectiveness attributable to enforcement capacity.

Ethical Considerations

The study was reviewed and approved by two independent ethics bodies prior to data collection: the Ethics Committee of the International Executive School, Strasbourg, France, and the Ethics Committee of the Ministry of Maritime Affairs, Myanmar. Dual approval was sought to ensure that the research met both the academic ethical standards required by the sponsoring institution and the sector-specific and jurisdictional requirements applicable to research conducted within Myanmar's maritime administration.

Participation was entirely voluntary, and all respondents were informed of the purpose of the study before providing their responses. No personally identifying information was collected, and anonymity and confidentiality were maintained throughout data collection, storage, and analysis. All data generated by the study were used strictly for academic research purposes consistent with the approvals granted by both ethics' committees.

Several methodological limitations should be acknowledged. The sample of 54 respondents is modest, the purposive sampling strategy constrains generalizability, the data are perception-based rather than drawn from objective performance indicators, and the cross-sectional design does not establish causality. These limitations are addressed further in the Discussion and are used to frame the recommendations for future research presented at the end of this article.

RESULTS

Across the five governance dimensions, stakeholder responses reflected moderate-to-high levels of agreement, with a consistent pattern. Perceptions of legislative structure were solid but not outstanding, perceptions of enforcement and implementation showed more variation,

and it was enforcement, not legislative design, that carried the strongest statistical relationship with overall effectiveness.

Legislative adequacy recorded a mean score of 3.60, indicating that stakeholders generally regard Myanmar's legal framework as covering the core regulatory domains expected of a modern maritime administration, while still leaving room for modernization in emerging areas such as sustainability and digital governance. The legislative process dimension scored slightly higher, at 3.72, reflecting moderate confidence in policy development, stakeholder consultation, and inter-institutional coordination. Respondents acknowledged that international conventions have been incorporated into domestic law but pointed to a continuing need for greater technical expertise and efficiency in the legislative drafting process itself.

Enforcement capacity recorded a mean score of 3.74 and, notably, showed by far the strongest relationship with overall legislative effectiveness of any dimension measured, $r = .70$, $p < .01$. The associated coefficient of determination, $R^2 = .49$, indicates that enforcement capacity alone accounts for nearly half of the variance in perceived legislative effectiveness, a substantial share for a single explanatory construct in a governance perception study and one that positions enforcement as the pivotal variable in the model.

Safety and environmental implementation scored 3.83, the second-highest mean among the five dimensions, suggesting relatively strong perceived performance in core safety regulation. Within this dimension, however, lower sub-scores for environmental monitoring and seafarer welfare indicate that these specific areas lag behind general safety compliance. Sustainability orientation recorded the highest mean of all dimensions, at 4.15, reflecting strong stakeholder endorsement of modernization, decarbonization, and digital transformation as priorities, even though, as the enforcement capacity findings suggest, stakeholder appetite for reform runs ahead of current institutional capacity to deliver it.

Taken together, the pattern across dimensions points to uneven implementation rather than uniform weakness: comparatively strong scores for legislative structure and sustainability aspiration, more moderate scores for process, and a pivotal explanatory role for enforcement capacity. In particular, the relatively lower scores associated with sustainability-related provisions and environmental monitoring suggest limited institutional readiness to operationalize emerging maritime standards, even where the underlying legal or policy commitments exist. Conversely, the comparatively stronger performance of conventional safety indicators suggests that compliance effort within Myanmar's maritime administration is presently concentrated in established regulatory areas, with digital governance and environmental sustainability representing the domains most in need of further institutional development.

DISCUSSION

The central finding of this study, that enforcement capacity is a stronger predictor of perceived regulatory effectiveness than the presence of legislation itself, situates Myanmar within a broader pattern documented across maritime governance research. This is not a new claim in principle: scholars working on regulatory enforcement theory have long argued that legal frameworks are only as effective as the monitoring, persuasion, and sanctioning mechanisms that stand behind them (Ayres & Braithwaite, 1992). What this study contributes is empirical confirmation of that theoretical claim in a specific, understudied developing-state maritime context, using a robust instrument (Cronbach's alpha = .938) and

a correlation strong enough ($r = .70$) to be difficult to dismiss as noise, even allowing for the constraints of a 54-respondent purposive sample.

This finding is consistent with, and extends, prior empirical work linking inspection intensity to safety and compliance outcomes in other jurisdictions (Cariou et al., 2008; Knapp & Franses, 2007). Where earlier studies have generally examined inspection regimes and accident or compliance records directly, the present study approaches the same underlying relationship from the perspective of the people who work within the system, namely seafarers, operators, administrators, and port professionals, and finds that their lived perception of enforcement quality tracks closely with their perception of overall legislative effectiveness. That convergence between stakeholder perception and prior objective-outcome research is itself a useful contribution: it suggests that perception-based governance data, despite their limitations, can serve as a reasonably reliable proxy for the enforcement gaps that more resource-intensive objective studies have previously identified.

At the same time, the results should not be read as suggesting that Myanmar's legislative framework is a solved problem while enforcement remains the sole outstanding issue. The moderate, rather than high, scores for legislative adequacy and legislative process indicate that structural foundations, while present, still require modernization and technical refinement, particularly given how much of the underlying statutory base predates contemporary international standards. This finding is broadly consistent with the wider literature on developing maritime administrations, which tends to describe institutional constraint not as a single bottleneck but as a cluster of interacting limitations spanning financial resources, technical expertise, and administrative capacity (World Bank, 2020; Mitroussi & Notteboom, 2015). Myanmar's results fit this pattern more than they contradict it: enforcement capacity is the strongest single predictor in this dataset, but it operates alongside, rather than in isolation from, legislative and procedural weaknesses.

The sustainability findings deserve particular attention in this respect because they illustrate the risk that the literature on emerging maritime challenges anticipates. Stakeholders in this study expressed the strongest agreement of any dimension with statements supporting decarbonization, digitalization, and green shipping reform, yet this is precisely the area where the gap between aspiration and institutional readiness is likely to be widest, given that enforcement capacity, the variable most strongly linked to effectiveness overall, was rated only moderately. Read together, these two results suggest that sustainability-oriented policy commitments in Myanmar's maritime sector risk becoming symbolic rather than operational unless they are paired with deliberate investment in the enforcement institutions needed to implement them, a concern raised in general terms in the sustainability literature (IMO, 2023; OECD, 2016) and now given some empirical grounding in this specific national context.

A further point concerns institutional coordination rather than enforcement capacity narrowly defined. Enforcement effectiveness in maritime governance rarely depends on inspection intensity alone; it also depends on how well regulatory responsibilities are coordinated across agencies, how administrative processes are structured, and how consistently technical expertise is applied across cases. Where these coordinating functions are fragmented, a common feature of developing maritime administrations more broadly, enforcement outcomes can vary considerably even where the underlying legal authority to act is clear and even where inspection resources are not, in absolute terms, negligible. This reframes the practical implication of the enforcement capacity finding: strengthening

enforcement in Myanmar's maritime sector is less a matter of adding inspectors than of building the organizational architecture, including clear inter-agency lines of responsibility, consistent administrative procedures, and reliable technical capacity, within which additional inspection resources can actually translate into improved compliance.

Theoretically, the study reinforces regulatory enforcement theory's core proposition, that legislative effectiveness is substantially a function of enforcement credibility, by demonstrating it empirically in a maritime governance context that has received comparatively little prior attention in the literature. Practically, the findings suggest that policymakers and maritime administrators in Myanmar would likely see a greater return on institutional investment directed at inspection systems, digital compliance monitoring, and inter-agency coordination than on further legislative expansion alone, given that legislative adequacy already scores moderately well while enforcement is both weaker and more strongly linked to outcomes. This does not mean legislative modernization is unnecessary; the moderate scores for legislative process indicate real room for improvement. It does mean that, absent a parallel investment in enforcement capacity, further legislative reform is unlikely by itself to close the gap between Myanmar's legal framework and its practical maritime governance outcomes.

Finally, these findings have clear limits. As a cross-sectional, perception-based study with a modest, purposively sampled respondent pool, this research demonstrates a strong association between enforcement capacity and legislative effectiveness, but it cannot establish the causal mechanism by which that association operates, nor can it be generalized with confidence to the full population of Myanmar's maritime stakeholders. These limitations do not undermine the core finding so much as define the boundaries within which it should be interpreted, and they point directly to the kinds of follow-up research, including longitudinal designs, objective performance indicators, and larger and more broadly sampled respondent pools, that would be needed to test whether the relationship identified here holds over time and under more rigorous causal designs.

Recommendations for Future Research

Future research should expand the sample size and broaden the range of maritime stakeholders consulted to strengthen the generalizability of findings across Myanmar's maritime sector, and it should consider a longitudinal design capable of tracking how enforcement capacity and legislative effectiveness co-evolve over time, particularly in response to policy reform. Regression or mediation approaches would allow more rigorous testing of the causal pathways between legislative adequacy, enforcement capacity, and governance outcomes than the correlational design used here, and incorporating objective indicators, such as port State control inspection records, accident data, and environmental compliance statistics, would help validate the perception-based findings reported in this study against independently verifiable measures. Comparative research examining other ASEAN maritime administrations alongside Myanmar's would also offer useful benchmarks and may help identify enforcement practices that could be adapted to the Myanmar context.

CONCLUSION

This study finds that Myanmar's maritime legislation is broadly adequate and reasonably well aligned with international conventions, but that legislative adequacy alone is not sufficient to guarantee effective maritime governance. Enforcement capacity emerged as the strongest predictor of perceived legislative effectiveness, explaining nearly half of the variance in stakeholder assessments. The core challenge facing Myanmar's maritime sector

therefore appears to be institutional rather than legal: existing frameworks are underused relative to their potential because the enforcement infrastructure needed to operationalize them, including inspection systems, monitoring, inter-agency coordination, and sanction consistency, remains comparatively weak. Strengthening this infrastructure, particularly to support sustainability, digitalization, and emerging maritime technologies, will be essential if stakeholder support for reform is to translate into measurable improvements in safety, environmental protection, and seafarer welfare. Ultimately, effective maritime governance in Myanmar requires a deliberate shift in policy attention from legislative expansion toward sustained institutional consolidation and enforcement capacity building.

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Conflict of Interest

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