

The Conservation of Biodiversity and Protected Areas Law

(2018, Union Parliament Law No. 12)

The seventh waxing day of Nayone, 1380 ME

(21st May 2018)

The Union Parliament hereby enacts the following Law: -

Chapter I

Title and Definition

1. This Law shall be called the Conservation of Biodiversity and Protected Areas Law.
2. The following expression contained in this Law shall have the meanings given hereunder:-
 - (a) **Biodiversity** means the variety and variability among living organisms from all terrestrial, marine and aquatic ecosystems which are interconnected. This includes inter and intra diversity of species and variability of ecosystems.
 - (b) **Wildlife** means the wild animals, birds, insects and aquatic animals which inhabit in their natural habitats or migrate to other areas. Wildlife includes any male sperms, female ovules, embryos, eggs, larvae, tissue, flesh, blood and parts thereof;
 - (c) **Wild plant** means tree, shrub, climber, bamboo, rattan, orchid, mushroom and aquatic plants which naturally grow in their habitats. This includes any seeds, tissues or parts thereof;
 - (d) **Protected Area** means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives;
 - (e) **Core zone** means the designated area in the Protected Area defined by this law for long term conservation of ecosystems and biodiversity;
 - (f) **Buffer zone** means the designated area in or next to border of the Protected Area defined by this law and it connected with the core zone, in which natural resource utilization and development activities can be allowed through sustainable methods without having and adverse impacts on the core zone;
 - (g) **Ecosystem** means the interacting natural system among living organisms, physical environment and plants and the natural environment being evolved from such system;
 - (h) **Habitat** means the natural environment where wildlife and wild plants naturally occur;
 - (i) **Zoological Garden** means a place where captive animals are displayed for public education, recreation and research purposes with or without entrance fees;
 - (j) **Botanical Garden** means a place where wild plants and cultivated plants are displayed for public education, recreation and research purposes with or without entrance fees;
 - (k) **Forest Land** means land including reserved forests and protected public forest notified under the Forest Law;
 - (l) **Committee** means the National Supervisory Committee formed under this law for the conservation of Biodiversity and Protected Areas;
 - (m) **Supervisory Body** means the Body formed for the supervision of the Zoological Gardens or Botanical Gardens established under this law ;

- (n) **Ministry** means the Ministry of Natural Resources and Environmental Conservation;
- (o) **Government** means the Union Government;
- (p) **Minister** means the Union Minister of the Ministry of Natural Resources and Environmental Conservation;
- (q) **Director General** means the Director General of the Forest Department;
- (r) **Forest Officer** means Park Warden of the Protected Area or Forest Officers from Township Forest Department to State/Region Forest Department who have been assigned to carry out the functions and duties under this law;
- (s) **Forest Staff** means the staff at different levels from a Forest Guard to the Director General of the Forest Department who have been assigned to carry out the functions and duties under this law;
- (t) **Park Warden** means a Forest Officer or a appropriate person assigned by the Director General of the Forest Department to administer the Protected Area, Zoological Garden or Botanical Garden;
- (u) **Completely protected wildlife** means the wild animal declared by notification of the Forest Department to protect due to its rareness and critically endangered status. This definition includes any parts, derivatives or products of wildlife as declared by such notification;
- (v) **Normally protected wildlife** means the wild animal declared by notification of the Forest Department, which is not critically endangered but is needed protection due to the high possibility of being threatened species. This definition included any parts, derivatives or products of wildlife as declared by such notification;
- (w) **Seasonally protected wildlife** means the wild animal declared by notification of the Forest Department, which is not critically endangered and has a low possibility of being threatened species, and has good survival and population growth rate in its natural habitat therefore hunting can be permitted and is protected in its breeding season to ensure long term survival. This definition includes the wildlife declared by notification or seasonally migrating species and any parts, derivatives or products thereof;
- (x) **Hunting** means using any method to hurt, catch or kill wild animal, which includes the transportation of wild animal without permission;
- (y) **Convention** means the Convention on International Trade in Endangered Species of wild Fauna and Fauna(CITES);
- (z) **Specimen** means :
 - (i) any animal or plant, whether alive or dead
 - (ii) with the exception of parts or derivatives specifically exempted from the provisions of the Convention, species, plants or parts of animal species listed in the Appendices.
 - (iii) Any part or derivative which appears from an accompanying document, the packaging or a mark or label or from any other circumstances to be a part or derivative of an animal or plant of species listed in the Appendices;

Clarification: Appendices means the species covered by CITES as listed in its three Appendices.

- (aa) **Wild animals and wild plants regulated for international trade** means CITES listed animals and plants . This definition includes any part, blood derivative or product thereof of such animals and plants as determined by the Convention.

Clarification (1): International trade any export, re-export, or import and introduction from the sea of any species included in the Appendices of CITES in accordance with custom law, rules and regulations;

Clarification(2) : Introduction from the sea means transportation into Myanmar of specimens of any species which were taken from the marine area not under the jurisdiction of any State, including the air space above the sea, the sea bed and soil of sea bed;

Chapter II

Objectives

3. The objectives of this Law are as follows: -

- (a) to implement the Government's biodiversity Strategy and Policy;
- (b) to implement the Government policy for conservation of Protected Areas;
- (c) to carry out protection and conservation of wild animals, wild plants, ecosystems and migratory animals in accordance with International Conventions agreed by the Government;
- (d) to regulate trade of wild animals and wild plants or their any parts, derivatives or products;
- (e) to protect geo-physically unique areas, endangered wild animals and wild plants and their natural habitats;
- (f) to contribute to the development of research , education activities on natural science;
- (g) to protect wild animals and wild plants by the establishment of zoological gardens and botanical gardens.

Chapter III

Formation of the Committee and Functions and Duties Thereof

4. The Government :-

- (a) shall form a National Supervisory Committee for Conservation of Biodiversity and Protected Areas chaired by the Minister with representatives from the relevant government departments and experts as members.
- (b) the committee established under sub section(a) may restructure as necessary;

5. Committee members who are not Government servants shall be entitled to receive remuneration as prescribed by the Ministry.

6. The duties and functions of the Committee are as follows:-

- (a) giving guidance to enable implementation of the objectives of this Law;
- (b) submitting suggestions for laying down strategies and policies related to conservation of biodiversity;
- (c) submitting suggestions for laying down policies related to conservation of protected areas;

- (d) coordinating with the relevant government departments and government organizations for notification of Protected Areas and establishment of Zoological Gardens and Botanical gardens, coordinating for the suggestions from local communities;
 - (e) supervising on activities for conservation of biodiversity and protected areas;
 - (f) giving guidance for the protection of critically endangered species of both wild animals and wild plants;
 - (g) giving guidance for conducting research and education on natural sciences;
 - (h) communicating and cooperating with foreign countries, international organizations and regional organizations for the implementation of this Law;
 - (i) to adjudicate appeals made in accordance with Section 15(a) related to ecotourism in Protected Areas.
7. Regional or State Government may establish, if necessary, Supervisory Committee for Conservation of Biodiversity and Protected Areas to support management plan implementations of Protected Areas .

Chapter IV

Designation of Protected Areas and Establishment of Zoological Gardens and Botanical Gardens

8. The categories of protected areas are as follows: -
- (a) Scientific Reserve;
 - (b) National Park;
 - (c) Marine National Park;
 - (d) Nature Reserve;
 - (e) Wildlife Sanctuary;
 - (f) Geo-physically Significant Reserve.
 - (g) Community Protected Areas
9. The Ministry:-
- (a) may in any areas if necessary , with the approval of the Government and for the purposes of this Law, by notification;
 - (i) designate protected areas according to the categories;
 - (ii) establish zoological gardens and botanical gardens;
 - (b) if desirous of designating and establishing under sub-section (a) in any land under the administration of a Government department or Government organization with the exception of forest land shall do so after prior co-ordination with the relevant Government department or Government organization;
 - (c) if desirous of designating and establishing under sub-section (a) on any land in which an individual or a private organization has the right of cultivation, right of possession, right of use and occupancy, beneficial enjoyment, inheritable right or transferable right shall do so after prior co-ordination with the relevant Ministry for acquiring land in accordance with the existing land acquisition laws;

- (d) shall notify in advance in the prescribed manner the land and the land boundaries in which it is proposed to designate and established under sub section(a);
 - (e) shall form and assign duties to a Preliminary Settlement Body to inquire into and determine in the manner prescribed the affected rights of the public in the relevant area within which it is proposed to designate and establish under sub-section (a) and to carry out preliminary demarcation.
10. The Ministry may, with the approval of the Government:-
- (a) revise, alter the category or cancel the whole or portion of the area of a protected area designated under section 9;
 - (b) revise or cancel the whole or a portion of the area of the zoological garden or botanical garden established under section 9;
11. The Ministry:-
- (a) shall form a Supervisory Body including the local public to supervise each zoological garden or botanical garden established under section 9 and the functions and duties of such body;
 - (b) may alter the structure or abolish the Supervisory Body as necessary.
12. The Director General shall, with the approval of the Ministry, make provisions for customary rights and privileges of the people in the region in which it is proposed to establish under Section 9.
13. The Director General may, with the approval of the Ministry:
- (a) allow scientific research, environmental study and recreation in the protected area through defining designated zones and developing regulations;
 - (b) provide necessary means and measures to protect the protected areas by regulating activities in adjacent areas;
 - (c) exchange wildlife and wild plants with foreign countries;
 - (d) determine a system for Payment for Ecosystem Services derived from the ecosystems within a Protected Area;
 - (e) allow co-management of protected area in collaboration between protected area and local community to maintain a balance between sustainable socioeconomic development of local communities and biodiversity conservation;
 - (f) determine a plan for collecting entrance fee and other tourism related fees in the Protected Areas;
 - (g) define buffer zone to allow regional development activities, local communities socioeconomic development activities and ecotourism development activities without having adverse impacts on the core zone. Within the defined buffer zone, community forests, community-based tourism and Locally Managed Marine Areas may be permitted in accordance prescribed regulations and Standard Operating Procedures;
 - (h) allow or reject the proposal by a person or a business entity to operate ecotourism business in the protected area in line with prescribed procedure;

14. The Director General shall issue prescribed regulations along with the permit for ecotourism business under sub-section (h) of Section 13;
15. (a) The person or business entity who is rejected on its applying permission for ecotourism business in the Protected Area under sub-section (h) Section 13, may appeal to the Committee within 30 days after such rejection is made;
(b) The decision of the Committee shall be final and conclusive for any appeals made under sub-section (a).
16. The Director General may:
 - (a) carry out capturing, culling measures to maintain sustainable population of wild animals and to prevent interbreeding in the Protected Area;
 - (b) notify rules and regulations to be abided by the public in zoological gardens and botanical gardens established under Section 9 (a) (2);
 - (c) assign a Forest Officer or a suitable person to administer the Protected Area, Zoological garden or Botanical garden established under Section 9 (a);
17. In conformity with the guidance laid down by the Committee or the Minister, the Forest Department shall carry out the following functions and duties :-
 - (a) conservation of the Scientific Reserve to enable conducting research on natural evolutionary systems;
 - (b) permitting research activities within the National Park and allowing the public to visit for recreation purposes without any adverse impact on the ecosystems;
 - (c) protection and conservation of living organisms and their natural habitats, coral reefs, sea beds, moss and algae, aquatic plants and wild animals breeding and inhabiting along coastline and river mouths and their habitats in the Marine National Park;
 - (d) protection unique wild plants and the natural evolutionary ecosystem within the Nature Reserve;
 - (e) engaging and collaborating with local or foreign government departments, international organization and non-governmental organizations to protect wild animals which are roaming naturally in the protected area, and roosting, breeding and feeding sites of migratory birds and wetlands;
 - (f) conservation of area which has unique beauty and traditional customs in the Geographically Significant Reserve;
 - (g) technical coordination and supports for management of Community Protected Areas administered by the States and Regions.
18. A Park Warden's responsibilities are as follows:-
 - (a) to carry out daily management responsibilities;
 - (b) to administer in accordance with existing laws and rules;
 - (c) to conduct research, document and monitor status wildlife and plants in the Protected Area, Botanical Garden or Zoological Garden;

- (d) to mobilize the public to participate in conservation of biodiversity and protected area through public education and awareness raising;
- (e) to manage buffer zone focusing on local community livelihood development without having adverse impacts on the core zone of the Protected Areas;
- (f) to report back to higher authorities on land use conflicts and other conflicts;
- (g) to administer the ecotourism development in the buffer zone of the protected area;
- (h) to coordinate and provide technical support for co-management of the protected area in collaboration with local communities.

Chapter V

Protected Wild Animals and Wild Plants

19. The Forest Department shall, with the approval of the Ministry:
- (a) declare endangered wildlife species according to the following categories to be conserved in accordance with the necessity of the State;
 - (i) completely protected wildlife species;
 - (ii) protected wildlife species;
 - (iii) seasonally protected wildlife species;
 - (b) revise the declared list of endangered wildlife species categories in sub section(a) if necessary;
 - (c) declare endangered species of wild plants in accordance with the necessity of the State in designed areas from extinction;
 - (d) declare conservation categories of wildlife and wild plants as necessary to conserve in the long-term and prevent them from extinction;
 - (e) declare the appendices of wildlife and wild plants listed by Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for the public;
 - (f) develop plan and implement protection measures for the conservation of endangered wildlife and wild plant species;
 - (g) coordinate with the relevant department and organization if the declared endangered wildlife and wild plants are under the administration of other ministries;
20. The Minister shall, with the agreement of cabinet and in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to regulate wildlife and wild plants;
- (a) designate the Director General as Management Authority of Myanmar for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
 - (b) designate suitable one or more than one person as the Scientific Authority of Myanmar for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

21. The Director General may, with the approval of the Minister -
- (a) allow, by stipulating conditions, internal or foreign Government Departments, Government Organizations, Non-Government Organizations or an individual person, grant permission to research, to capture, transport and possess completely protected wild animals or wild animals regulated for international trade, for the purpose of scientific research;
 - (b) enable scientific research, allow for collection, transportation and possession of protected wild plants from the Protected Areas by an individual person who has been permitted to conduct research for the purpose of experimenting and reproduction.
 - (c) allow Government Departments, Government Organizations, Non-Government Organizations or an individual person to export or carry out of Myanmar, the protected endangered wild animal and wild plant or any parts, derivatives or products thereof for research and scientific species identification;
 - (d) allow, by stipulating conditions, Government Departments, Government Organizations, Non-Government Organizations or an individual person granted permission to conduct research, import and possess alien wild animals for the purpose of conducting scientific research;
 - (e) allow an individual which is granted permission to conduct research, import and possess alien wild plants for scientific research and propagation in accordance with the prescribed conditions.
22. The Director General may:-
- (a) declare the list of critically endangered wild animals and wild plants which can be commercially bred or cultivated;
 - (b) allow, by stipulating conditions, capturing, collecting, breeding, farming or transferring by any means of the wild animals and wild plants declared under sub-section (a) ,
 - (c) allow, by stipulating conditions, raising of protected wildlife and seasonally protected wildlife species as a hobby or a traditional custom;
 - (d) develop a plan, take appropriate measures or issue directives if necessary, to any persons raising animals or cultivating plants in areas adjacent to a Protected Area, to prevent diseases transmission and cross-breeding;
 - (e) allow, by stipulating conditions, the importation, breeding, farming, propagating or transferring of alien wild animals or wild plants for commercial purposes or as a hobby;
 - (f) assign a Forest Officer or the scientific authority for inspecting with the prescribed regulations for the activities permitted under sub-section(b) and (e) ;
 - (g) order to prohibit transportation, detain temporarily, return or destroy the imported alien wild animals and wild plants or genetically modified animals and plants if they are found out that infected with a contagious disease, contained fatal germs, poisonous, potential of cross-breeding with indigenous species, harmful to the regeneration of indigenous species, potential adverse impacts on the environment and public health;

- 23.(a) The Director General may, with the approval of the Ministry, issue a permit for the export of wild animals permitted for commercial breeding or wild plant permitted for cultivating or any parts, derivatives or products thereof;
- (b) The Director General may, with the approval of the Ministry, endorse for import, export or re-export of wild animals or wild plants or any parts, derivatives or products regulated for international trade thereof;
- (c) The applicant who ask the endorsement under sub section (a) and (b) shall pay the fee for inspection, permit fee or other fees and costs as prescribed by the Forest Department;
- (d) The Forest Officer assigned by the Director General may permit the removal of wild animals and wild plants allowed for hunting, collecting, commercial breeding or farming or any parts, derivatives or products thereof, beyond the township boundaries;
- (e) Government Departments or Government Organizations which have authorization for issuing permits or licenses shall issue such licenses or permits to those who received the endorsement prescribed in sub-section (b) of section 23 to import, export or re-export the wild animals and wild plants regulated for international trade or any parts, derivatives or products thereof.

Chapter VI

Hunting

24. The Director General may grant a hunting license, by stipulating conditions to hunt wildlife than completely protected and protected wildlife species within a protected area.
25. A person who has been granted a hunting license shall:-
- (a) pay the hunting license fees as prescribed;
- (b) abide by the terms and conditions prescribed in the hunting license;
- (c) be subject to inspection by the Forest Department.

Chapter VII

Right to Establish Zoological Garden and Botanical Garden

26. The Ministry may, with the approval of the Government -
- (a) permit, by stipulating terms and conditions, the application in the manner prescribed to operate the zoological garden or botanical garden established under section 9, sub-section (a), in joint venture between the Government and any individual or any business entity in the interest of the State;
- (b) permit, by stipulating terms and conditions, the application submitted in the manner prescribed to establish a private zoological garden or botanical garden.
27. The Ministry -
- (a) shall form a Supervisory Body and prescribe the functions thereof to supervise, if necessary, each zoological garden or botanical garden permitted to be established under section 26, sub-section (a);
- (b) may re-constitute or abolish the Supervisory Body as necessary.

28. A person who has obtained permission to establish a zoological garden or botanical garden under section 26 shall apply to the Director General in the prescribed manner for a license to operate.
29. The Director General with the approval of the Ministry -
- (a) may, in respect of an application for a license to operate a zoological garden or botanical garden, scrutinize its conformity with the stipulated terms and grant a license with prescribes valid period and regulations;
 - (b) may determine temporary or permanent revocation of the licensee if licensees violate the prescribed terms and conditions.
30. A licensee for operating a zoological garden or botanical garden:-
- (a) shall abide by the conditions stipulated by the Director General for such licenses;
 - (b) shall pay any tax in Myanmar currency or in foreign currency and fees relating to the operating license, in the prescribed manner;
 - (c) in the case of licensee deceases before the expiry of the tenure of the license, his legal successor shall apply to the Director General in accordance with the prescribed manner.

Chapter VIII

Registration

31. (a) A person who possessed as a souvenir or wore as a traditional custom any part of a completely protected animal, prior to the Protection of Wildlife and Conservation of Natural Areas Law (The State Law and Order Restoration Council Law No. 6/94) shall register at the relevant Township Forest Department in the manner prescribed by the Ministry.
- (b) with the exception of a person who has in heritage under a traditional custom from a person registered under sub-section (a), a person who has received in any manner, shall register at the relevant Township Forest Department in the manner prescribed by the Ministry.
- (c) For the purpose of research of a completely protected animal after this Law enters into force, in-country or foreign government department, a government organization or a non-governmental organization or an individual which has been permitted to capture or possess such animal for the purposes of research under sub-section (a) of section 21 and which is desirous of possessing any part thereof to conduct research or as a souvenir shall register in the manner prescribed by the Ministry.
- (d) A person who has received permission to breed wild animals or wild plants in accordance with sub section(b) of Section 22 shall register at the Forestry Department in the prescribed manner.
- (e) A person who has registered under sub section(d) shall pay the prescribed registration fee.
- (f) the Forest Department shall prescribe the inspection fee, registration fee and other such fees that may incur for registering under sub section(d)
32. A Forest Officer who has been assigned to perform the functions of registration by the Director General:-
- (a) may issue a certificate or refuse for registration to the applicant made under section 31 by scrutinizing in the prescribed manner;

- (b) the rejected applicant may within (30) days from the date of rejection appeal to the Director General. The Director General may confirm or revise the order of the Forest Officer. The Director General's decision shall be final and conclusive.

Chapter IX

Taking Administrative Action

33. In order to take administrative action, the Forest Staff or Park Warden shall carry out search, seizure as evidence and management in the manner prescribed.
34. Park Warden may pass an administrative order incurring a fine of a minimum *Kyats* 70,000 which may extend to a maximum of *Kyats* 200,000 to be paid, on a person who commits any of the following acts within a Protected Area or within the zoological garden or botanical garden which is administered by the Government or in which the Government has subscribed share capital:-
- (a) entering a place where the public is permitted to visit for recreation, without conforming to the conditions stipulated;
 - (b) trespassing a prohibited place other than a place where the public is permitted to visit for recreation, without permission;
 - (c) grazing or free grazing or causing domestic animals to trespass;
 - (d) frighten or willfully disturb protected wild animals;
 - (e) destroying in any way or plucking, breaking or possessing any kind of wild plants and cultivated plants without permission.
35. A Park Warden may pass an administrative order causing a fine of a minimum *Kyats* 30,000 extending to a maximum of *Kyats* 100,000 to be paid on a person who commits any of the following acts within Protected Areas or within a zoological garden or botanical garden which is administered by the Government or in which the Government has a subscribed share capital:-
- (a) entering a totally prohibited area without permission;
 - (b) commercial filming or video taping for commercial purposes without permission;
 - (c) digging on the land, cultivating or conducting any activity;
 - (d) extracting, collecting or destroying in any manner, any kind of wild or cultivated plant.
36. A Forest Officer may pass an administrative order causing a fine of a minimum *Kyats* 70,000 extending to a maximum of *Kyats* 200,000 to be paid, on a person who kills, hunts, wounds or breeds commercially a seasonally protected wild animal without permission during the close season.
37. A Park Warden -
- (a) shall, when passing an administrative order, confiscate the products from a Protected Area or of the zoological garden or botanical garden which is administered by the Government or in which the Government has shared investment as State property;
 - (b) dispose the confiscated products as State property in the manner prescribed.

Chapter X

Appeal

38. (a) A person dissatisfied with an Administrative Order passed by a Forest Officer or Park Warden may file an appeal to the Director General within 30 days from the date of such order;
- (b) the Director general may confirm, repeal or revise such order made by the Forest Officer or Park Warden;
- (c) the decision of the Director General shall be final and conclusive;

Chapter XI

Offences and Penalties

39. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine of a minimum Kyats 200,000 extending to a maximum of 500,000, or with both -
- (a) hunting without a license;
- (b) violation of any condition of the hunting license;
- (c) commercial breeding of critically endangered wild animals without permission;
- (d) polluting the soil, water and air with intention, damaging water-course or poisoning water, electrification, using chemical or explosive materials within a Protected Area;
- (e) possessing or disposing of pollutants or mineral wastes in a Protected Area;
- (f) establishing and operating a zoological garden or a botanical garden without a license.
- (g) dishonestly altering, adding or counterfeiting any documents, marks, facts and figures issued by the person designated as the Management Authority of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- (h) altering, destroying or damaging the mark made on animals, plants or their specimens which are regulated for international trade ;
- (i) importing, breeding, farming or possession of alien wild animal and wild plant species or any parts, derivatives or products without permission thereof.
40. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine of a minimum Kyats 300,000 which may extend to a maximum of Kyats 1,000,000 or with both -
- (a) killing or selling a protected wildlife species or possessing, transporting or transferring any part without permission thereof;
- (b) extracting, collecting or destroying in any manner protected wild plants within a subscribed area, without permission;
- (c) destroying ecosystem or any natural setting or encroaching in the Protected Area;
- (d) altering, removing, destroying or obliterating without permission any boundary mark of a Protected Area or any boundary mark of a zoological garden or botanical garden administered by the Government or in which the Government has subscribed share capital.
41. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a minimum term of three years which may extend to a maximum of 10 years and a fine :-

- (a) killing, hunting, wounding, collecting, selling, or transferring a completely protected wildlife species or wild animal regulated for international trade, or possessing or transporting any part or blood derivative or product without permission thereof;
- (b) extracting, collecting or destroying in any way without permission a completely protected wild plant or a wild plant regulated for international trade or collecting, possessing, selling, transporting or transferring in anyway without permission such wildlife plant or any derivative product thereof;
- (c) import, export or re-export wildlife and wild plants regulated for international trade without the endorsement prescribed under subsection (a) and (b) of section 23.

42. Whoever is convicted of committing any of the following acts shall be punished with imprisonment for a term which may extend to 3 years, a fine from a minimum of Kyats 100,000 which may extend to a maximum of Kyats 300,000 or with both -

- (a) Stating false facts in applying for a endorsement, permission, registration, permit, license under this law;
- (b) dishonestly altering or adding anything to the endorsement, permission, registration, permit or license issued under this law.

43. Whoever is convicted of violating any prohibitions prescribed by the Rules enacted under this law shall, on conviction be punished with imprisonment for a term which may extend to 1 year or a fine which may extend to minimum Kyats 70,000 to maximum Kyats 200,000 or with both.

44. Whoever attempts to commit, aids or abets any offence prescribed in the Law, shall be punished in accordance with the penalties for the respective offence.

45. Whoever is found guilty in respect of any legal proceeding instituted under this law the convicting court shall punish him/her for the relevant offence and in addition -

- (a) shall pass an order for the value of the loss and damage to the Forest Department caused by the offender to be paid by way of compensation to the Forest Department;
- (b) shall confiscate the wild animal, wild plants and parts thereof involved in the commission of the offence as State property and shall transfer to the Forest Department;
- (c) may pass an order for confiscation of vehicle/vessels, animals and other items, tools involved in the commission of the offence;
- (d) shall pass an order to remove any persons, cultivated plants, crops, animals, building, movable or immovable property encroached from the Protected Area within 30 days

Chapter XII

Exemptions

46. Sub section(a) of Section 40 or sub section(a) of Section 41 shall not apply to:-

- (a) Keeping as a souvenir, as a traditional custom, possessing or wearing any parts of protected wildlife or seasonally protected wildlife species;

- (b) Possessing or wearing of any part of a completely protected wild animal with a certificate of registration issued under sub section(a) of section 32;
- (c) The possessing, utilization, sale, transport or transfer of medicine and consumer goods being a derivative or product of protected critically endangered wildlife and wild plants that has been permitted;

Chapter XIII

Miscellaneous

- 47. Wildlife sanctuaries which have been declared under the Wildlife Protection Act, 1936 and the Protection of Wildlife and Protected Areas, 1994 shall be deemed as Protected Areas under this law.
- 48. In a case where administrative action is taken or where a legal proceeding is instituted under this law, the burden of proof of lawful ownership or lawful right of possession in respect of the exhibit seized shall lie on the person against whom such action is taken.
- 49. When a request is made by the Forest Staff for assistance in the performance of their duties, the Myanmar Police Force shall render necessary assistance.
- 50. All money payable to the Forest Department under this law shall be recovered as if it were arrears of land revenue. A Forest Officer who has been assigned responsibility by the Ministry for this purpose shall exercise the powers of a Collector under the existing laws.
- 51. Before the issuance of rules, procedures, notifications, orders and directives under this law, any rules, notifications, orders, directives and circulars issued under the Protection of Wildlife and Protected Areas, 1994 may continue to be applicable in so far as they are not inconsistent with this Law.
- 52. For the purpose of carrying out the provisions of this Law:-
 - (a) the Ministry may issue rules and regulations and by-laws with the approval of the Union Government;
 - (b) the Forest Department may issue notifications, orders, directives and procedures.
- 53. The Protection of Wildlife and Conservation of Natural Areas Law (The State Law and Order Restoration Council Law No. 6/94), is hereby repealed by this Law.

I sign in accordance with the Constitutional Law of the Republic of the Union of Myanmar.

(Sd) Win Myint
President
The Republic of the Union of Myanmar