

The Conservation of Biodiversity and Protected Areas Law
(The Pyidaungsu Hluttaw Law No 12/2018)

The 7th seventh Waxing day of Nayone, 1380 M.E.

(21, May, 2018)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Conservation of Biodiversity and Protected Areas Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Biological diversity** means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
 - (b) **Wildlife** means animals, birds, insects and aquatic animals that inhabit in their natural habitats or migrate to other areas. Wildlife includes any male sperm, female ovules, embryos, eggs, larvae, tissue, flesh, blood and parts thereof;
 - (c) **Wild plant** means tree, shrub, climber, bamboo, rattan, orchid, fungi 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 that is designated or regulated and managed to achieve specific conservation objectives;
 - (e) **Core zone** means the area designated by this Law in a Protected Area for the sustainability of ecosystems and biodiversity;
 - (f) **Buffer zone** means the area designated by this Law in or at boundary of a Protected Area that is connected with the core zone, for allowing to conduct development activities and use ecosystem and biodiversity with minimum impacts without having any adverse impact on the core zone;
 - (g) **Ecosystem** means natural system constituting living and non-living organisms and plants living in symbiosis and the natural environment evolving from such systems;
 - (h) **Habitat** means the areas where wildlife and wild plants occur naturally;
 - (i) **Zoological Garden** means a place where animals are captivity bred for public education, research and recreation with or without fees;
 - (j) **Botanical Garden** means a place where wild and cultivated plants are maintained for public education, research and recreation with or without fees;
 - (k) **Forest Land** means reserved forests and protected public forest constituted under the Forest Law;
 - (l) **Committee** means the National Steering Committee for Biodiversity and Protected Areas formed under this Law;
 - (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 of the Union;
 - (o) **Government** means the Union Government of the Republic of the Union of Myanmar;

- (p) **Minister** means the Union Minister for 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 Region or State Forest Department who are assigned to carry out the functions and duties as prescribed under this Law;
- (s) **Forest Staff** means all staff at different levels from Forest Guard to the Director General of the Forest Department who is assigned to carry out the functions and duties as prescribed under this law;
- (t) **Park Warden** means a Forest Officer or an appropriate person assigned by the Director General to administer a Protected Area, Zoological Garden or Botanical Garden;
- (u) **Completely protected wildlife** means the wildlife declared by notification of the Forest Department to protect due to their rareness and critically endangered status. This definition includes any parts, derivatives or products of the wildlife declared by such notification;
- (v) **Normally protected wildlife** means the wildlife declared by notification of the Forest Department, which is not critically endangered but needs protection due to the high possibility of becoming a threatened species. This definition includes any parts, derivatives or products of the wildlife species as declared by such notification;
- (w) **Seasonally protected wildlife** means the wildlife declared by notification of the Forest Department, which is not critically endangered and has a low possibility of becoming a threatened species, and that has sufficient survival and population growth rate in its natural habitat meaning that hunting can be permitted, but is protected in its breeding season to ensure its 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 any method used to harm, catch or kill wildlife. This definition includes transporting wildlife without permission;
- (y) **Convention** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- (z) **Specimen** means :
- (i) any animal or plant, whether alive or dead;
 - (ii) any species and parts of plant or animal species included in Appendices, except parts or derivatives exempted by the Convention;
 - (iii) any part or derivative that 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 included in Appendices;
- Clarification:** Species included in Appendices means the species as listed in three Appendices of the Convention.
- (aa) **Animals and plants regulated for international trade** mean animals and plants determined by the Convention. This definition includes any part, blood fluid, derivatives or products thereof.
- Clarification (1): International trade** means export, re-export or import, and introduction from the sea of any species included in the Appendices, in accordance with Customs law and regulations;
- Clarification (2): Introduction from the sea** means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State. This definition includes air space above the sea, sea bed and soil of sea bed.

Chapter II Objectives

3. The objectives of this Law are as follows:
 - (a) to implement biodiversity strategy and policy of the Country;
 - (b) to implement the Government policy for conservation of Protected Areas policy of the Country;
 - (c) to carry out protection and conservation of wildlife, wild plants, ecosystems and migratory animals in accordance with International Conventions agreed by the Country;
 - (d) to regulate trade of wildlife and wild plants or their parts, derivatives or products;
 - (e) to protect geo-physically unique areas, endangered wildlife and wild plants and their natural habitats;
 - (f) to contribute to natural scientific research and environmental education activities;
 - (g) to protect wildlife and wild plants by establishing zoological and botanical gardens.

Chapter III Formation of the Committee and Functions and Duties Thereof

4. The Government:
 - (a) shall form National Steering Committee for Biodiversity and Protected Areas, composing the Minister as the chair and representatives from the relevant government departments and experts as members;
 - (b) can reform the committee formed under sub-section(a).
5. Committee members who are not the Government servants entitle to receive remuneration as prescribed by the Ministry.
6. The duties and functions of the Committee are as follows:
 - (a) guiding implementation of the objectives of this Law;
 - (b) giving recommendations for developing biodiversity related strategy and policies;
 - (c) giving recommendations for developing policies related to conservation of protected areas;
 - (d) coordinating with the relevant government departments and government organizations for designating Protected Areas and establishing Zoological and Botanical gardens, and coordinating the suggestions made by local communities;
 - (e) steering biodiversity and protected areas conservation activities;
 - (f) guiding the protection of endangered wild fauna and flora;
 - (g) guiding for conducting natural scientific research and awareness raising;
 - (h) cooperating with foreign countries, international and regional organizations in implementing 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 constitute biodiversity and Protected Areas management supporting committees, if necessary.

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 (Area);
 - (g) Community Conserved Protected Area. (Indigenous Community Conserved Area)
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 under Section 8;
 - (ii) establish Zoological Gardens and Botanical Gardens;
 - (b) if desirous of designating and establishing under sub-section (a) on 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 on which and the boundary within which it is proposed to designate and establish 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 or alter the category, or cancel the whole or a portion of Protected Area designated under Section 9;
 - (b) revise or cancel the whole or a portion of 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 a 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, after designating zones, scientific research, environmental study or recreation in the Protected Area in accordance with the regulations;
 - (b) provide and carry out the necessary means and measures to prevent Protected Areas from the threats and disturbances of 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 community participatory protected area management, which favours harmonization of sustainable socio-economic development of local communities and sustainability of biodiversity conservation;
 - (f) determine a plan for collecting an entrance fee or other tourism related fees in the Protected Areas;
 - (g) designate the buffer zone, if necessary, in Protected Areas without having any adverse impact on the core zone, to allow regional development activities, socio-economic development of local community and ecotourism development. Within the designated buffer zone, community forestry, community-based tourism and management of locally managed marine area may be permitted, after stipulating regulations, in accordance with procedures;
 - (h) allow or reject the proposal applied by a person or a business entity in accordance with prescribed procedure, to operate an ecotourism business in the Protected Area.
14. The Director General shall issue prescribed regulations along with the permit for ecotourism related activities within the Protected Areas under sub-section (h) of Section 13.
15.
 - (a) The person or business entity who is rejected on applying for permission for an ecotourism 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 or culling measures to maintain sustainable populations of wild animals, to ensure desirable proportion 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 Minister or Committee, the Forest Department shall carry out the following functions and duties:
 - (a) conservation of the Scientific Reserve to enable to conduct research on natural evolutionary systems;
 - (b) permitting research and public visits for recreation within the National Park without any adverse impact on the ecosystems;

- (c) protection and conservation of living organisms and their natural habitats, coral reefs, sea beds, mosses and algae, aquatic plants and wild animals inhabiting along coastline and river mouths and their habitats in the Marine National Park;
 - (d) protection to sustain unique and rare wild plants and the natural evolutionary ecosystem within the Nature Reserve;
 - (e) collaborating with local or foreign government departments, international organizations and non-governmental organizations to protect wild animals that are inhabiting safely in the protected area, and to conserve roosting and breeding sites of migratory birds and wetlands;
 - (f) conservation of areas that has unique beauty and traditional customs in the Geophysically Significant Reserves;
 - (g) technical coordination and support for management of **Community Protected Areas (Indigenous Community Conserved Area)** administered by the States and Regions.
18. The functions and duties of a Park Warden are as follows:
- (a) to carry out daily management responsibilities;
 - (b) to administer in accordance with the existing Laws and Rules;
 - (c) to conduct research, document and monitor status and dynamic of 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 areas through public education and awareness raising;
 - (e) to manage buffer zone focusing on local community livelihood development but without having adverse impacts on the core zone of the Protected Area;
 - (f) to report any land use conflicts and other conflicts to higher authorities;
 - (g) to administer ecotourism development in the buffer zone of the protected area;
 - (h) to coordinate and provide technical support for community participatory protected area management.

Chapter V

Protected Wild Animals and Wild Plants

19. The Forest Department shall, with the approval of the Ministry:
- (a) declare the following categories of endangered wild animals needed to protect from extinction, in accordance with the necessity of the State:
 - (i) completely protected wild animals;
 - (ii) normally protected wild animals;
 - (iii) seasonally protected wild animals.
 - (b) revise the list of endangered wildlife species categories declared under subsection(a) whenever necessary;
 - (c) declare species and associated site to conserve the wild plants needed to protect from extinction, in accordance with the necessity of the State;
 - (d) declare conservation categories of wild animals and wild plants as necessary of the State to conserve for sustainability and to prevent their extinction;

- (e) declare the appendices designated by the Convention for the public;
 - (f) develop and implement measures to protect endangered wildlife and wild plant species;
 - (g) coordinate with the relevant department(s) and organization(s) if the declared endangered wild animals and wild plants are under the administration of other Ministries.
20. The Minister shall, with the agreement of the Government, to regulate protected endangered wild animals and wild plants in accordance with the Convention:
- (a) designate the Director General as Management Authority of Myanmar for the Convention;
 - (b) designate appropriate person or persons as the Scientific Authority of Myanmar for the Convention.
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, who is granted for research, to capture, transport and possess completely protected wild animals or animals regulated for international trade, for the purpose of scientific research;
 - (b) allow person who has been permitted to conduct research to collect, transport and possess protected wild plants from the Protected Areas by an individual for the purpose of scientific research including experiment and reproduction.
 - (c) allow Government Departments, Government Organizations, Non-Government Organizations or an individual person to export or carry out 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 for research, to import and possess alien wild animals for the purpose of conducting scientific research;
 - (e) allow, by stipulating conditions, an individual granted for research, to import and possess alien wild plants for scientific research and propagation.
22. The Director General may:
- (a) declare list of wild animals and wild plants which can be allow to breed or cultivate commercially, among the protected endangered wild animals and plants;
 - (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 normally protected wild animals and seasonally protected wild animals for hobby or traditional custom;
 - (d) develop appropriate measures or issue directives, as necessary, to any person who is raising animals or cultivating plants in areas adjacent to a Protected Area, to prevent disease transmission or cross-breeding;
 - (e) allow, by stipulating conditions, importing, breeding, farming, propagating or transferring of alien wild animals or wild plants for commercial purpose or hobby;

- (f) assign a Forest Officer or the scientific authority for inspecting with the prescribed regulations for the activities permitted under sub-sections (b) and (e);
 - (g) order to prohibit transport, detain temporarily, return or destroy imported alien wild animals and wild plants, or genetically modified animals and plants, if they are found to be infected with a contagious disease, contain fatal germs, poisonous parts, or have the potential of cross-breeding with local species, harmful to the regeneration of local species, or potential adverse impacts on the environment and/or public health.
23. (a) The Director General may, with the approval of the Ministry, issue a permit for the export of wild animals or wild plants permitted for breeding or for cultivating commercially 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 animals or plants regulated for international trade or any parts, derivatives or products thereof;
- (c) The applicant who asks the endorsement under sub section (a) and (b) shall pay the fee for inspection, permit fee or other 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 respective 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 animals and 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 a person to hunt any wild animals, other than completely protected wild animals and wild animals within 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 a 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 or 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 under section 26, sub-section (a);
 - (b) may re-form 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 that prescribes a valid period and regulations;
 - (b) may determine temporary or permanent revocation of the license if licensee violates 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 license;
 - (b) shall pay any tax and fee in Myanmar currency or in foreign currency 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, 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 wild animal, prior to the Protection of Wildlife and Protected 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 inherits 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 wild animal, 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, after this Law enters into force, desires to possess any part thereof to conduct research or to keep as a souvenir, shall register at the Ministry in the manner prescribed.
- (d) A person who has received permission to breed wild animals or to cultivate 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) Inspection fee, registration fee and other such fees that may incur for registering under sub-section (d) should be prescribed by the Forest Department.

32. A Forest Officer who has been assigned by the Director General to perform the functions of registration:-
- (a) may issue a certificate or refuse by scrutinizing in the prescribed manner for registration to the applicant made under Section 31;
 - (b) The applicant rejected under the sub-section (a), may appeal to the Director General, within (30) days from the date of rejection. The Director General may confirm or revise the order of the Forest Officer. The decision of the Director General 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 a search, seize as evidence and manage in the manner prescribed.
34. A Park Warden may pass an administrative order incurring a fine of a minimum *Kyats* 10,000, which may extend to a maximum of *Kyats* 30,000 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 administered by the Government or in which the Government has subscribed share capital:
- (a) entering a place where the public is permitted for recreation, without conforming to the stipulated conditions;
 - (b) trespassing a prohibited place other than a place where the public is permitted for recreation;
 - (c) grazing or free grazing or causing domestic animals to trespass;
 - (d) willfully disturbing or frightening protected wild animals;
 - (e) plucking, breaking or possessing without permission or destroying in any way of by wild or and cultivated plants.
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 the Zoological Garden or Botanical Garden administered by the Government or in which the Government has subscribed share capital:
- (a) entering a prohibited area without permission;
 - (b) commercial filming or video recording 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 during the closed season without permission.
37. A Park Warden:
- (a) shall, when passing an administrative order, confiscate the products from a Protected Area or a Zoological Garden or Botanical Garden administered by the Government or in which the Government has subscribed share capital;
 - (b) shall administer the products confiscated as State's 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 appeal to the Director General within 30 days from the date of such order;
- (b) the Director general may confirm, repeal or revise the 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 that may extend to 3 years or with fine of a minimum *Kyats* 200,000 extending to a maximum of *Kyats* 500,000, or with both:
- (a) hunting without a license;
- (b) violation of any condition of the hunting license;
- (c) commercial breeding of protected endangered wild animals without permission;
- (d) polluting soil, water and air with intention, damaging a water-course or poisoning water, electrification, using chemical or explosive materials within a Protected Area;
- (e) possessing or disposing of toxic objectives 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 Management Authority of the Convention;
- (h) altering, destroying or damaging the mark made on animals or plants regulated for international trade or the specimen thereof;
- (i) importing, breeding, cultivating or possessing alien wild animal or wild plant or any parts, derivatives or products thereof, without permission.
40. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term that 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) hunting, selling normally protected wild animals or possessing, transporting or transferring such wild animal or any part thereof without permission;
- (b) extracting, collecting or destroying in any manner protected wild plants within a described area, without permission;
- (c) destroying ecosystem or any natural condition or encroaching in the Protected Area;
- (d) altering or removing without permission, destroying or obliterating any boundary marking of a Protected Area or 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 3 years, which may extend to a maximum of 10 years and a fine:
- (a) killing, hunting, wounding, collecting, selling, or transferring a completely protected wild animal or animal regulated for international trade, or possessing or transporting such

- wild animal or animal or any part or blood derivative or product thereof without permission;
- (b) extracting, collecting or destroying in any way a completely protected wild plant or a plant regulated for international trade without permission or collecting, possessing, selling, transporting or transferring in any way such wildlife plant or plant or any derivative product thereof without permission;
- (c) import, export or re-export animals and plants regulated for international trade without the endorsement prescribed under subsection (a) and (b) of Section 23.
42. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years, or 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, or 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 Rule 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, aid or abet any offence prescribed in the Law, shall be punished in accordance with the penalties for the respective offence.
45. The Convicting Court shall, in respect of any legal proceeding instituted under this Law, 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 animals, wild plants and parts thereof involved in the commission of the offence as State's property and shall transfer it 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 person, cultivated plants, crops, animals, building, movable or immovable property from the Protected Area within 30 days in the offences related to encroachment or other acts.

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 or possessing or wearing under a traditional custom any part of normally protected wild animal or seasonally protected wild animal;
- (b) Possessing or wearing any part of a completely protected wild animal with a certificate of registration issued under sub section (a) of Section 32;
- (c) Possession, utilization, sale, transport or transfer of medicine and consumer goods produced from parts of protected endangered wild animals and wild plants, that has been permitted.

Chapter XIII
Miscellaneous

47. Wildlife sanctuaries declared under the Wildlife Protection Act, 1936 and Protected Areas designated under the Protection of Wildlife and Protected Areas Law (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 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 rule, notification, order, directive and circular issued under the Protection of Wildlife and Protected Areas, 1994 shall 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 Government;
 - (b) the Forest Department may issue notification, orders, directives and procedures.
53. The Protection of Wildlife and Protected 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