

The Conservation of Biodiversity and Protected Areas Law

(The Pyidaungsu Hluttaw Law No. 12, 2018)

The 7th 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 below:
 - (a) **Biodiversity** means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part. This expression also includes diversity within species, between species and of ecosystems;
 - (b) **Wild fauna** means animals, birds, insects and aquatic beings that usually inhabit their natural habitats or are present in other places outside their natural habitats for various reasons. This expression also includes sperm, ova, embryos, eggs, spawn, tissues, flesh, blood and parts of them;
 - (c) **Wild flora** means trees, shrubs, climbers, bamboos, rattan, orchids, fungi and aquatic plants which naturally grow in their habitats. This expression also includes any seeds, tissues or parts of them;
 - (d) **Protected area** means areas designated by this Law for conservation of wild fauna and wild flora, ecosystems or significant geographical areas;
 - (e) **Core zone** means the area designated by this Law for the sustainability of ecosystems and biodiversity in a protected area;
 - (f) **Buffer zone** means the area designated by this Law in or at the boundary of a protected area, and which is adjacent to the core zone, to conduct development activities and to use ecosystem and biodiversity with minimum impact and without any adverse impact on the core zone;

- (g) **Ecosystem** means a natural system constituting living and non-living organisms living in symbiosis and the natural environment evolving from such a system;
- (h) **Habitat** means areas where wild fauna and wild flora occur naturally;
- (i) **Zoological garden** means a place where animals are bred in captivity for research, public education and recreation, with or without fees;
- (j) **Botanical garden** means a place where wild flora and cultivated plants are maintained for research, public education and recreation, with or without fees;
- (k) **Forest land** means reserved forests and protected public forests 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 bodies formed for supervision of zoological gardens or botanical gardens established under this Law;
- (n) **Ministry** means the Ministry of Natural Resources and Environmental Conservation of the Union Government;
- (o) **Government** means the Union Government of the Republic of the Union of Myanmar;
- (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 wardens of protected areas and different levels of Officers from Township to Region or State Forest Departments who are assigned to carry out the functions and duties as prescribed under this Law;
- (s) **Forest staff** means all staff of the Forest Department from forest guard to the Director General who are assigned to carry out functions and duties as prescribed under this Law;
- (t) **Park warden** means a forest officer or a suitable person assigned by the Director General to administer a protected area, zoological garden or botanical garden;
- (u) **Completely protected wild fauna** means wild fauna declared, by notification, by the Forest Department to protect due to their rareness and critically endangered status. This expression also includes any parts, derivatives or products of them;
- (v) **Normally protected wild fauna** means wild fauna declared, by notification, by the Forest Department which are not critically endangered but need protection due to the

high possibility of becoming threatened species. This expression also includes any parts, derivatives or products of them;

- (w) **Seasonally protected wild fauna** means wild fauna declared, by notification, by the Forest Department which are not critically endangered or have a low possibility of becoming threatened species, sufficient survival and population growth rates in their natural habitats that hunting can be permitted, but are protected in their breeding seasons to ensure their long term survival. This expression also includes any parts, derivatives or products of such wild fauna or seasonally migrating species;
- (x) **Hunting** means harming, catching or killing wild fauna by any means. This expression also includes transporting wild fauna 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) species included in appendices, any part or derivative that appears from an accompanying document, the packaging or mark or label or from any other circumstances to be a part or derivative;

Explanation: **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 expression also includes any part, blood fluid, derivatives or products of them.

Explanation (1): International trade means export, re-export or import, and introduction from the sea of any species included in the appendices, in accordance with laws and regulations relating to customs;

Explanation (2): Introduction from the sea means transportation into a State of specimens of any species extracted from the marine environment

which is not under the jurisdiction of any State. This expression also 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 State;
- (b) to implement the Government policy on conservation of protected areas;
- (c) to carry out protection and conservation of wild fauna, wild flora, ecosystems and migratory animals in accordance with International Conventions ratified by the State;
- (d) to regulate trade of wild fauna and wild flora or their parts, derivatives or products;
- (e) to protect geo-physically unique areas, endangered wild fauna and wild flora and their natural habitats;
- (f) to contribute to natural scientific research and environmental education activities;
- (g) to protect wild fauna and wild flora by establishing zoological and botanical gardens.

Chapter III

Formation of the Committee and its Functions

4. The Government:

- (a) shall form the National Steering Committee for Biodiversity and Protected Areas, comprising the Minister as the chair and representatives from the relevant government departments, government organizations and experts as members;
- (b) may re-form the Committee formed under sub-section(a).

5. The Committee members who are not the government servants are entitled to remuneration and allowance as prescribed by the Ministry.

6. The functions of the Committee are as follows:

- (a) giving guidance to implement the objectives of this Law;
- (b) giving recommendations to develop strategy and policies related to biodiversity;
- (c) giving recommendations to develop policies related to conservation of protected areas;
- (d) coordinating with the relevant government departments and government organizations to designate protected areas and establish zoological and botanical gardens, and coordinating the suggestions made by local communities;
- (e) supervising biodiversity and protected areas conservation activities;

- (f) guiding the protection of endangered wild fauna and wild flora;
 - (g) giving guidance to conduct natural scientific research and awareness raising;
 - (h) cooperating with foreign countries, international and regional organizations in implementing this Law;
 - (i) adjudicating appeals made in accordance with sub-section (a) of section 15 related to ecotourism in protected areas.
7. The Region or State Government may constitute supporting committees for biodiversity and protected areas management.

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-features Significant Area;
- (g) Community Conserved Protected Area.

9. The Ministry:

- (a) may, with the approval of the Government, act the following in any area by issuing notification for the purposes of this law:
 - (i) designating protected areas according to the categories;
 - (ii) establishing zoological gardens and botanical gardens;
- (b) shall make prior co-ordination with the relevant government department or government organization if it wishes to designate and establish under sub-section (a) on any land under the administration of any government department or government organization, with the exception of forest land;
- (c) shall make prior co-ordination with the relevant Ministry to acquire land in accordance with the existing laws if it wishes to designate and establish 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;

(d) shall notify in advance in the prescribed manner that the land on which and the boundary within which it proposes to designate and establish under sub section(a);

(e) shall form the Preliminary Settlement Body comprising local public, representatives of non-governmental organizations and relevant experts, and assign the Body to inquire into the affected rights of the public in the relevant area within which it proposes to designate and establish under sub-section (a) in the manner prescribed, and to carry out preliminary demarcation.

10. With the approval of the Government, the Ministry may:

(a) revise categories, or alter or cancel the whole or part of a protected area designated under section 9;

(b) alter or cancel the whole or part of a zoological garden or botanical garden area established under section 9.

11. The Ministry:

(a) shall form the Supervisory Body including the local public to supervise each zoological garden or botanical garden established under section 9, and prescribe the functions of such body;

(b) may re-form or abolish the Supervisory Body as necessary.

12. The Director General shall, with the approval of the Ministry, grant appropriate privileges and benefits for affected rights of the public in the relevant area within which it proposes to designate and 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 protected areas in accordance with the regulations;

(b) take necessary measures to prevent protected areas from the threats and disturbances of adjacent areas;

(c) exchange wild fauna and wild flora with foreign countries;

(d) determine a payment system for ecosystem services derived from the ecosystems within protected areas;

- (e) allow the 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 to collect entrance fees or other fees related to tourism in protected areas;
 - (g) designate buffer zones in protected areas for regional development activities, socio-economic development of local community and ecotourism development without any adverse impact on core zone. The community forestry, community-based tourism and management of locally managed marine area may be permitted in a designated buffer zone in accordance with procedures by stipulating conditions;
 - (h) accept or reject an application applied by a person or a business entity in accordance with prescribed procedures to operate an ecotourism business and related activities in protected areas.
14. The Director General shall stipulate terms and conditions along with the permit for ecotourism business and related activities within protected areas under sub-section (h) of section 13.
15. (a) The person or business entity whose application is rejected under sub-section (h) of section 13, for an ecotourism business and related activities in protected area may appeal to the Committee within 30 days from the date of rejection.
- (b) The decision of the Committee shall be final and conclusive for any appeals made under sub-section (a).
16. The Director General:
- (a) may take measures to catch and kill wild fauna in order to maintain sustainable populations of wild fauna, to ensure desirable proportion of wild fauna and to prevent interbreeding in protected areas;
 - (b) may notify conditions to be complied by the public in zoological gardens and botanical gardens established under clause (ii) of sub-section (a) of section 9;
 - (c) shall assign a forest officer or a suitable person as a park warden to administer the protected area, zoological garden or botanical garden established under sub-section (a) of section 9.
17. In conformity with the guidance given by the Committee or Minister, the Forest Department shall carry out the following duties:

- (a) conservation of scientific reserves to conduct research on natural evolutionary systems;
 - (b) permitting research and public visits for recreation within national parks 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 fauna inhabiting along coastline and river mouths and their habitats in the marine national parks;
 - (d) protection and conservation of unique and rare wild flora and the natural evolutionary ecosystem within nature reserves;
 - (e) collaborating with local or foreign government departments, international organizations and non-governmental organizations to protect and conserve wild fauna to inhabit safely in wildlife sanctuaries, 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 Geo-features Significant Areas;
 - (g) technical coordination and support for management of local community conserved protected areas administered by the Regions or States.
18. The duties of a park warden 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 and dynamic of animals and plants in protected areas, botanical gardens or zoological gardens;
 - (d) to mobilize the public in order to participate in conservation of biodiversity and protected areas through public education and awareness raising;
 - (e) to effectively manage buffer zones focusing on development of local community livelihood but without having adverse impact on core zones of protected areas;
 - (f) to report any land use conflicts and other conflicts to different levels of higher authorities;
 - (g) to administer ecotourism development in buffer zones of protected areas;
 - (h) to coordinate and provide technical support for management of local community participatory protected areas.

Protected Wild Fauna and Wild Flora

19. With the approval of the Ministry, the Forest Department:

- (a) shall declare the following categories of endangered wild fauna that need to be protected from extinction, in accordance with the necessity of the State:
 - (i) completely protected wild fauna;
 - (ii) normally protected wild fauna;
 - (iii) seasonally protected wild fauna;
- (b) may revise categories of endangered wild fauna declared under sub-section (a);
- (c) shall declare species and associated site to conserve wild flora that need to be protected from extinction, in accordance with the necessity of the State;
- (d) shall declare conservation status of wild fauna and wild flora from time to time to conserve for sustainability and to prevent their extinction in accordance with the necessity of the State;
- (e) shall declare the appendices designated by the Convention for the public;
- (f) shall take measures to protect endangered wild fauna and wild flora species;
- (g) shall coordinate with the relevant department and organization if protected endangered wild fauna and wild flora are under the administration of other Ministries.

20. In order to regulate protected endangered wild fauna and wild flora in accordance with the Convention, the Minister shall, with the approval of the Government:

- (a) designate the Director General as Management Authority of Myanmar for the Convention;
- (b) designate a suitable person or persons as the Scientific Authority of Myanmar for the Convention.

21. With the approval of the Ministry, the Director General may:

- (a) allow, by stipulating conditions, any local or foreign government department, government organization, non-governmental organization or an individual to capture, transport or possess completely protected wild fauna or animals regulated for international trade for the purpose of scientific research. Such department, organization or individual shall have already been permitted to conduct research;
- (b) allow a person to collect, transport or possess protected wild flora from the protected areas for the purpose of scientific research including experiment and reproduction. That person shall have already been permitted to conduct research;

- (c) allow any government department, government organization, non-governmental organization or an individual to export or transport protected endangered wild fauna and wild flora or any parts, derivatives or products of them for research and scientific species identification;
- (d) allow, by stipulating conditions, any government department, government organization, non-governmental organization or an individual to import and possess alien wild fauna for the purpose of conducting scientific research. Such department, organization or individual shall have already been permitted to conduct research;
- (e) allow, by stipulating conditions, any person to import or possess alien wild flora for scientific research and propagation. That person shall have already been permitted to conduct research.

22. The Director General may:

- (a) declare list of wild fauna which can be bred and wild flora which can be cultivated commercially among the protected endangered wild fauna and wild flora;
- (b) allow to capture, collect, breed, cultivate or transfer wild fauna and wild flora declared under sub-section (a), by stipulating terms and conditions;
- (c) allow to breed normally protected wild fauna and seasonally protected wild fauna as a hobby or traditional custom, in accordance with the stipulations;
- (d) take appropriate measures or issue directives, as necessary, against 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 to import, breed, cultivate, propagate or transfer alien wild fauna and wild flora for commercial purposes or as a hobby, in accordance with the stipulations;
- (f) assign a forest officer or a scientific authority to inspect or to register regarding the matters allowed under sub-sections (b) and (e) in accordance with the stipulations;
- (g) prohibit to transport, detain temporarily, return or destroy imported alien wild fauna and wild flora or genetically modified animals and plants if they are found that they have infectious diseases, are contaminated with fatal germs and poison, and are harmful to the regeneration of local species, and have potential for cross-breeding with local species and potential adverse impacts on the environment and public health.

23. (a) The Director General may, with the approval of the Ministry, endorse the export of wild fauna and wild flora or any parts, derivatives or products of them permitted for breeding or for cultivating commercially;
- (b) The Director General may, with the approval of the Ministry, endorse the import, export or re-export of animals or plants or any parts, derivatives or products of them regulated for international trade;
- (c) The applicant shall pay the inspection fee, permit fee or other costs for a permit allowed under sub-section (a) or (b) as prescribed by the Forest Department;
- (d) The forest officer who is assigned a duty by the Director General may allow the removal of wild fauna and wild flora or any parts, derivatives or products of them beyond the appropriate township boundaries. Such fauna and flora or parts, derivatives or products of them shall have already been permitted to be hunted, collected, bred and cultivated commercially or propagated.
- (e) The government departments or government organizations which have the power to issue a permit or licence shall issue such licence or permit to a person who received the endorsement under sub-section (b) of section 23, to import, export or re-export the animals and plants or any parts, derivatives or products of them regulated for international trade.

Chapter VI

Hunting

24. The Director General may issue a hunting licence, by stipulating terms and conditions, to a person who hunts any wild fauna except normally protected wild fauna, completely protected wild fauna and wild fauna within a protected area.
25. A person who receives a hunting licence shall:
- (a) pay specified hunting licence fees;
 - (b) abide by terms and conditions prescribed in the hunting licence;
 - (c) be inspected by the Forest Department.

Chapter VII

Right to Establish Zoological Garden and Botanical Garden

26. With the approval of the Government, the Ministry may:
- (a) approve, by stipulating terms and conditions, the application to operate a zoological garden or botanical garden established under sub-section (a) of section 9, in

accordance with the prescribed manner, in a joint venture between the Government and any individual or any business entity, or by any individual or any business entity, for the interests of the State;

(b) approve, by stipulating terms and conditions, to establish a private zoological garden or botanical garden in accordance with the prescribed manner.

27. The Ministry:

(a) shall form the Supervisory Body and prescribe the functions of them to supervise, if necessary, each zoological garden or botanical garden approved under sub-section (a) of section 26;

(b) may re-form or abolish the Supervisory Body if necessary.

28. A person who has received an approval to establish a zoological garden or botanical garden under section 26 shall apply to the Director General for a licence in accordance with the prescribed manner.

29. With the approval of the Ministry, the Director General:

(a) shall check whether the licence application for a zoological garden or botanical garden conforms with the specified terms and conditions, and issue a licence if the conditions are met;

(b) may withdraw a licence within the prescribed period or cancel it if a person who receives a licence violates the prescribed terms and conditions.

30. A person who receives a licence for operating the zoological garden or botanical garden:

(a) shall abide by the terms and conditions stipulated by the Director General for such licence;

(b) shall pay any tax and fee relating to the operating licence in Myanmar currency or in foreign currency, in accordance with the prescribed manner.

(c) In the case of a person who receives a licence for operating the zoological garden or botanical garden deceases before the expiry of the tenure of the licence, a legal successor shall apply to the Director General in accordance with the prescribed manner.

Chapter VIII

Registration

31. (a) A person who possesses or wears any part of wild fauna, as a souvenir or a traditional custom, completely protected before enforcing the Protection of Wildlife and Protected Areas Law (The State Law and Order Restoration Council Law No. 6/94) shall

register at the appropriate Township Forest Departments in accordance with the manner prescribed by the Ministry.

- (b) Except a person who inherits any part of a completely protected wild fauna under a traditional custom from a person registered under sub-section (a), a person who receives it in any way shall register at the appropriate Township Forest Department in accordance with the manner prescribed by the Ministry.
- (c) The local or foreign government department, government organization or non-governmental organization or individual, shall register at the Ministry in accordance with the prescribed manner if they desire to do research on or to possess any part of such wild fauna as a souvenir. Such department or organization or individual shall have already been permitted to capture or possess such fauna under sub-section (a) of section 21, to do research on a completely protected wild fauna after this Law is in force.
- (d) A person who has received an approval under sub-section (b) of section 22 shall register for breeding wild fauna or cultivating wild flora at the Forest Department in accordance with the prescribed manner.
- (e) A person who has registered under sub-section (d) shall pay the registration fee prescribed by the Forest Department.
- (f) The inspection fee, registration fee and other fees for registration under sub-section (d) shall be prescribed by the Forest Department.

32. A forest officer who has been assigned by the Director General to carry out registration:

- (a) may issue or cancel a registration certificate by scrutinizing application of registration under section 31, in accordance with the prescribed manner;
- (b) a person whose application is rejected under sub-section (a), may appeal to the Director General within 30 days from the date of rejection. The Director General may approve or amend the order of the forest officer. The decision of the Director General shall be final and conclusive.

Chapter IX

Taking Administrative Action

33. A forest staff or park warden shall search, seize as an exhibit and manage in accordance with the prescribed manner, in order to take administrative action.

34. A park warden may pass an administrative order against any person to pay a fine from a minimum kyats 10,000 to a maximum kyats 30,000 if that person commits any of the following acts within a protected area or a 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 for recreation by violating stipulated conditions;
- (b) trespassing on a prohibited place without permission except for a place where the public is permitted for recreation;
- (c) grazing or free grazing or causing domestic animals to trespass;
- (d) frightening or willfully disturbing protected wild fauna;
- (e) destroying by any way, plucking, breaking or possessing any wild flora and cultivated plants without permission.

35. A park warden may pass an administrative order against any person to pay a fine from a minimum kyats 30,000 to a maximum kyats 100,000 if he commits any of the following acts within a protected area or a zoological garden or botanical garden which is administered by the Government or in which the Government has subscribed share capital:

- (a) entering a prohibited area without permission;
- (b) filming or video recording commercially without permission;
- (c) digging on the land, cultivating or carrying out any activity;
- (d) extracting, collecting or destroying in any manner, any kind of wild flora or cultivated plant.

36. A forest officer may pass an administrative order against any person to pay a fine of a minimum kyats 70,000 extending to a maximum of kyats 200,000 if that person kills, hunts, wounds or breeds commercially the seasonally protected wild fauna during the closed season without permission.

37. A park warden shall:

- (a) when passing an administrative order, confiscate the products produced 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) manage the confiscated products in accordance with the prescribed manner.

Chapter X

Appeal

38. (a) Any person who is 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 approve, cancel or revise the order passed by a 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 not exceeding 3 years or with a fine from a minimum of kyats 200,000 to a maximum of kyats 500,000, or with both:
- (a) hunting without a licence;
 - (b) violating any condition of the hunting licence;
 - (c) commercially breeding protected endangered wild fauna without permission;
 - (d) intentionally polluting soil, water or air, damaging a water-course or poisoning or electrifying water, or using chemical or explosive materials in the water within the protected area;
 - (e) possessing or disposing of toxic objectives or mineral wastes within the protected area;
 - (f) establishing and operating a zoological garden or a botanical garden without a licence;
 - (g) altering, adding or counterfeiting dishonestly any documents, marks, facts and figures issued by the Management Authority of the Convention;
 - (h) altering, destroying or damaging the mark made on animals and plants regulated for international trade or the specimen of them;
 - (i) importing, breeding, cultivating or possessing alien wild fauna or wild flora or any parts, derivatives or products of them without permission.
40. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term not exceeding 5 years or with a fine from a minimum of kyats 300,000 to a maximum of kyats 1,000,000 or with both:
- (a) hunting or selling normally protected wild fauna or possessing, transporting or transferring such wild fauna or any part of them without permission;

- (b) extracting, collecting or destroying, in any manner, any protected wild flora within a specified area without permission;
 - (c) trespassing within the protected area or destroying ecosystem or any natural condition;
 - (d) altering, removing, destroying or obliterating, without permission, 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 term from a minimum of 3 years to a maximum of 10 years and also with a fine:
- (a) killing, hunting, or wounding, collecting, selling, or transferring, in any manner, a completely protected wild fauna or animals regulated for international trade, or possessing or transporting such animals or any part or blood, derivatives or products of them without permission;
 - (b) extracting, collecting or destroying, in any manner, a completely protected wild flora or plants regulated for international trade without permission or collecting, possessing, selling, transporting or transferring, in any manner, such plants or any part or derivatives or products of them without permission;
 - (c) import, export or re-export animals and plants regulated for international trade without the endorsement prescribed under sub-sections (a) and (b) of section 23.
42. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term not exceeding 3 years, or a fine from a minimum of kyats 100,000 to a maximum of kyats 300,000 or with both:
- (a) stating false facts in applying for the endorsement, permission, registration, permit, or licence under this Law;
 - (b) altering or adding dishonestly the endorsement, permission, registration, permit or licence issued under this Law.
43. Whoever violates any prohibitions contained in the rules issued under this Law shall, on conviction, be punished with imprisonment for a term not exceeding 1 year or a fine from a minimum of kyats 70,000 to a maximum of kyats 200,000 or with both.
44. Whoever attempts to commit or conspires or abets any offence under this Law, shall be punished with the penalties stipulated for such offence.

45. The court shall, in respect of any offence instituted under this Law, punish an offender for such offence, and:
- (a) shall pass an order against the offender to pay compensation to the Forest Department for the loss and damage of the property of the Forest Department;
 - (b) shall confiscate wild fauna, wild flora and parts of them involved in the commission of the offence, and transfer them to the Forest Department;
 - (c) may pass an order for confiscation of vehicles and 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 related to trespassing and working within this area.

Chapter XII

Exemptions

46. Sub-section (a) of section 40 or sub section (a) of section 41 shall not apply to:
- (a) possessing or wearing any part of normally protected wild fauna or seasonally protected wild fauna as a souvenir or a traditional custom;
 - (b) possessing or wearing any part of the completely protected wild fauna with a certificate of registration issued under sub-section (a) of section 32;
 - (c) possessing, utilizing, selling, transporting or transferring of medicine and consumer goods produced from parts of protected endangered wild fauna and wild flora that have been permitted.

Chapter XIII

Miscellaneous

47. The wildlife sanctuaries declared under the Wildlife Protection Act, 1936 and natural areas declared under the Protection of Wildlife and Protected Areas Law (1994) shall be considered as protected areas under this Law.
48. In a case where administrative action is taken or where a legal proceeding is instituted against a person under this Law, that person shall be responsible for proving of legally owning or possessing the seized exhibits.
49. The Myanmar Police Force shall render necessary assistance when the forest staff requests for assistance in carrying out their duties.

50. All money which shall be paid to the Forest Department under this Law shall be recovered as if it were arrears of land revenue. A forest officer who is assigned by the Ministry, for this purpose, shall exercise the powers of a collector under the existing laws.
51. Before issuing rules, notifications, orders, directives and procedures under this Law, any rule, notification, order, directive and circular issued under the Protection of Wildlife and Protected Areas Law (1994), shall be applied as long as they are not contrary to this Law.
52. In implementing the provisions of this Law:
- (a) the Ministry may issue rules, regulations and by-laws with the approval of the Government;
 - (b) the Forest Department may issue notifications, 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 hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ Win Myint

President

The Republic of the Union of Myanmar