

The State Law and Order Restoration Council
The Protection of Wildlife and Protected Areas Law
(The State Law and Order Restoration Council Law No. 6/94)
The 15th Waning of Kason, 1356 ME.
(8th June, 1994)

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I
Title and Definition

1. This Law shall be called the Protection of Wildlife and Protected Areas Law.
2. The following expressions contained in this Law shall have the meanings given hereunder: -
 - (a) Wildlife means wild animals and wild plants in their natural habitats;
 - (b) Wild animal means naturally bred animals such as mammals, reptiles, amphibians, birds, insects, aquatic animals and their spawns, larvae, fry and seeds in their natural habitats;
 - (c) Wild Plant means trees, shrubs, climbers, bamboos, canes, orchids, fungus, aquatic plants, etc, and their seeds growing in their natural habitats;
 - (d) Protected Area means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives;
 - (e) Ecosystem means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
 - (f) Habitat means the place or type of site where an organism or population naturally occurs;
 - (g) Zoological Garden means a place where captive animals are displayed for public education, recreation and research purposes;
 - (h) Botanical Garden means a place where wild plants and cultivated plants are displayed for public education, recreation and research purposes;
 - (i) Forest Land means land including reserved forest and protected public forest notified under the Forest Law;
 - (j) Committee means the Committee formed for the conservation of wildlife and protected areas under this Law;
 - (k) Supervisory Body means the Body formed for the supervision of Zoological Gardens and Botanical Gardens under this Law;
 - (l) Minister means the Minister of the Ministry of Forestry;
 - (m) Director General means the Director General of the Forest Department;
 - (n) Forest Officer / Wildlife Officer means the officers at different levels from the Head of Township Forest Department / Park Wardens to the Director of the Forest Department / Director of Nature and Wildlife Conservation Division, who have been assigned to carry out the functions and duties under this Law;
 - (o) Forest Staff / Wildlife Staff means the staff at different levels from a Forest Guard / Wildlife Guard to the Director General of the Forest Department who have been assigned to carry out the functions and duties under this Law;

Chapter II

Objectives

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

- (a) to implement the policy of protecting wildlife of the State;
- (b) to implement the policy of conserving the protected areas of the State;
- (c) to carry out in accordance with International Conventions agreed by the State in respect of the protection of wild species of both flora and fauna and representative ecosystems occurring in the country;
- (d) to protect endangered species of wild flora and fauna and their habitats;
- (e) to contribute for the development of research on natural science;
- (f) to establish zoological gardens and botanical gardens for the protection of flora and fauna;

Chapter III

Formation of the Committee and Functions and Duties Thereof

4. The Government -

(a) shall form the Committee for the conservation of wildlife and protected areas consisting of the following persons; -

- | | | |
|---|-------|-----------|
| (i) Minister
Ministry of Forestry | | Chairman |
| (ii) representatives from the relevant Government
Departments and Government Organizations | | Members |
| (iii) relevant luminaries and experts | | Members |
| (iv) a person assigned responsibility by the Chairman | | Secretary |

(b) The Government may determine the Vice-Chairman and Joint Secretary when necessary.

5. A Committee member who is a non-Government servant is entitled to receive such remuneration as may be prescribed by Minister.

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 to enable the Government to lay down policies relating to protection of wildlife;
- (c) submitting suggestions to enable the Government to lay down policies relating to the conservation of protected areas;
- (d) coordinating with the relevant Government Departments and Government Organizations for establishment of protected areas and establishment of the zoological gardens and botanical gardens;
- (e) supervising the performance of functions relating to protection of wildlife and protected areas;
- (f) giving guidance for the protection of endangered species of both flora and fauna;
- (g) giving guidance in respect of contribution for the development of research on natural science;

- (h) communicating and co-operating with foreign countries, international organizations and regional organizations;

Chapter IV

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

7. The categories of protected areas are as follows; -
 - (a) Scientific Reserve (Strict Nature Reserve)
 - (b) National Park;
 - (c) Marine Park;
 - (d) Managed Nature Reserve;
 - (e) Wildlife Sanctuary;
 - (f) Protected Landscape
 - (g) Other protected area determined by the Minister;

8. The Minister;-
 - (a) may in any area, with the approval of the Government and for the purpose of the objective of this Law, by notification if necessary-
 - (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) in any land in which an individual or a private organization had the right of cultivation, right of possession, right of use and occupancy, beneficial enjoyment, heritable 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 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.

9. The Minister may, with the approval of the Government -
 - (a) revise, alter the category or cancel the whole or a portion of the area of a protected area designated under section 8;
 - (b) revise or cancel the whole or a portion of the area of the zoological garden or botanical garden established under section 8.

10. The Minister;-
 - (a) shall form a Supervisory Body for each zoological garden and botanical garden established under section 8 and the functions and duties thereof;
 - (b) may alter the formation of or abolish the Supervisory Body, as may be necessary.

11. The Director General shall, with the approval of the Minister, make provisions for customary rights and privileges of the people in the region in which it is proposed to establish under section 8.
12. The Director General may, with the approval of the Minister -
- (a) allow, after stipulating conditions, scientific research, environmental study and recreation in the protected area, with the exception of the totally prohibited wilderness areas;
 - (b) provide necessary means and measures to protect the protected areas by regulating activities in adjacent areas;
 - (c) exchange wildlife (wild animals and wild plants) with foreign countries.
13. The Director General -
- (a) may carry out culling measures for sustainable wildlife management in the protected areas;
 - (b) shall notify rules and regulation to be abided by the public in the zoological gardens and botanical gardens established under section 8.
14. The Forest Department shall carry out the following functions and duties according to the category of protected area in conformity with the guidance laid down by the Committee or the Minister;
- (a) preservation to enable conducting research on natural evolutionary system of Scientific Reserve;
 - (b) preservation of varied ecosystems and organisms, permitting research and recreation within the National Park without causing damage to the natural environment;
 - (c) preservation of marine and related ecosystems and organisms and permitting research and recreation within the Marine National Park, without causing damage to the natural environment;
 - (d) protection and sustainable management of significant ecosystems and rare wildlife species in the Managed Nature Reserve;
 - (e) preservation of wildlife including migratory birds and habitats incorporation with international communities;
 - (f) conservation of unique landscape and cultural heritage within the Protected Landscape;

Chapter V

Protected Wildlife and Wild Plants

15. The Director General shall, with the approval of the Minister-
- (a) declare according to the following categories of wildlife species which are to be protected from extinction;
 - (i) completely protected wildlife species;
 - (ii) protected wildlife species;
 - (iii) seasonally protected wildlife species;
 - (b) declare endangered species of wild plants in designated areas from extinction;
 - (c) lay down and carry out measures for the conservation of protected wildlife species;
 - (d) co-ordinate with the relevant departments and organizations if the wildlife to be protected are under their management.
16. The Director General may, with the approval of the Minister-
- (a) permit the capture and possession of completely protected wildlife species by stipulating conditions to Government Department, Government Organization or non-Government Organization to conduct scientific research on wildlife species;

- (b) permit the removal, transportation and possession of protected wild plants from the protected areas for the purpose of scientific research and reproduction;

17. The Director General may-

- (a) declare the names of protected wildlife species and seasonally protected wildlife species for the purpose of commercial farming;
- (b) permit the capture, farming or transfer, by stipulating conditions of wildlife species allowed for the purpose of commercial farming as declared under sub-section (a);
- (c) allow by stipulating conditions raising protected and seasonally protected wildlife species as pets and hobby for traditional custom;
- (d) lay down appropriate measures or directives from contagious diseases and cross-breeding of the farmed species in the vicinity of the protected area;

18.(a) The Director General may, with the approval of the Minister make recommendations for the export of farmed wildlife species and any part thereof;

- (b) The Forest Officer assigned by the Director General may permit removal or transportation from one to another of wildlife species which is permitted to be hunted or to be raised on a commercial basis or any part thereof;

Chapter VI Hunting

19. The Director General may grant a hunting license, by stipulating conditions to hunt wildlife other than protected wildlife species within a protected area.

20. A person who has been granted a hunting license shall--

- (a) pay the hunting license fees as may be prescribed;
- (b) abide by the conditions of the hunting license;
- (c) submit to the inspection of the Forest Department.

Chapter VII Right to Establish Zoological Garden and Botanical Garden

21. The Minister may, with the approval of the Government--

- (a) allow by stipulating conditions the application in the manner prescribed to operate the zoological gardens and botanical gardens established under section 8 in joint venture between the Government and any individual or any organization in the interest of the State;
- (b) allow by stipulating conditions the application in the manner prescribed to establish a private zoological garden or botanical garden;

22. The Minister --

- (a) shall form a Supervisory Body and prescribe the functions thereof to supervise each of the zoological garden or botanical garden permitted to be established under section 21 sub-section (a), if necessary;
- (b) may re-constitute or abolish the Supervisory Body as may be necessary.

23. A person who has obtained permission to establish a zoological garden or botanical garden under section 21 shall apply to the Director General in the prescribed manner for a license to operate.

24. The Director General --

- (a) may, in respect of the application for a license to operate a zoological garden or botanical garden scrutinize as to whether it is in conformity with the prescribed requirement of work and grant or refuse the license;
- (b) shall determine the conditions of the license to operate the zoological garden or botanical garden;
- (c) may revoke the license, subject to a time limit or cancel the license with the approval of the Minister, in case of violation of the conditions to be abided by a person who has obtained a license to operate.

25. A person who has obtained a license to operate a zoological garden or botanical garden--

- (a) shall abide by the conditions of the license to operate by the Director General;
- (b) shall pay in Myanmar Kyats or in foreign currency taxes relating to the license to operate, in the prescribed manner;
- (c) shall, if he dies before the expiry of the license to operate be represented by his legal representative, who shall apply to the Director General in the prescribed manner.

Chapter VIII Registration

26. (a) A person who possesses as a souvenir or weaves as a traditional custom any part of a completely protected wildlife species, before this Law comes into force shall register at the relevant Township Forest Department in the manner prescribed by the Minister of Forestry;
- (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 received in any other manner shall register at the relevant Township Forest Department in the manner of prescribed by the Ministry of Forestry;
- (c) For the purpose of research of a completely protected animal after this Law comes into force, a Government department, a Government organization or a non-governmental organization which has been permitted to capture or possess under section 16 sub-section (a) and which is desirous of possessing any part of thereof to conduct research or as souvenir shall register in the manner prescribed by the Ministry of Forestry.

27. A Forest Officer who has been assigned to perform the functions of registration by the Director General

- (a) may scrutinize the application for registration under section 26 in the prescribed manner and register or refuse registration;
- (b) if registration is effected under sub-section (a) shall issue a certificate of registration to the applicant.

Chapter IX Taking Administrative Action

28. In order to take administrative action, the Forest Staff/ Wildlife Staff shall, in respect of seizure and disposal of exhibits carry out in the manner prescribed.

29. A Forest Officer/ Wildlife Officer may pass an administrative order causing, a fine which may extend to Kyats 1,000 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 towards which the Government has subscribed share capital;

- (a) entering a place where the public is permitted to visit for recreation, without conforming to the condition 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 permitting domestic animals to trespass;
 - (d) beating or willfully disturbing protected wildlife;
 - (e) plucking or breaking without permission of wild plants and any cultivated plant.
30. A Forest Officer may pass the administrative order causing a fine which may extend to Kyats 5,000 to be paid on a person who commits any of the following acts within the protected area or zoological garden or botanical garden which is administered fully by the Government or partly by the Government which has subscribed share capital;
- (a) entering a totally prohibited area without permission;
 - (b) filming or video recording without permission;
 - (c) digging on the land, cultivating or carrying out any activity;
 - (d) removing, collecting or injuring any cultivated plant in any manner.
31. A Forest Officer may pass an administrative order causing a fine which may extend to Kyats 10,000 to be paid, on a person who kills, hunts, wounds or raises a seasonally protected wildlife without permission during the close season;
32. A Forest Officer shall -
- (a) when passing an administrative order, confiscate the produce of a protected area or of the zoological garden or botanical garden which is administered fully by the Government or partly by the Government which has subscribed;
 - (b) dispose the confiscated produce in the manner prescribed.

Chapter X Appeal

33. A person dissatisfied with an administrative order passed by a Forest Officer may file an appeal to the Director General within 30 days from the date of such order.
34. The decision of the Director General shall be final and conclusive.

Chapter XI Offenses and Penalties

35. 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 which may extend to kyats 10,000 or with both;
- (a) hunting without a license;
 - (b) violation of any condition of the hunting license;
 - (c) farming protected and seasonally protected wildlife species without permission for commercial purposes;
 - (d) causing water and air pollution, causing damage to a water-course or poisoning water;
 - (e) possession or disposal of pollutants or mineral wastes in a protected area;

- (f) establishing and operating a zoological garden or a botanical garden without a license;
36. 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 which may extend to kyats 30,000 or with both;
- (a) killing, hunting or wounding a protected wildlife species or seasonally protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any part thereof;
 - (b) removing, collecting or destroying in any manner any protected wild plant within the designated area without permission;
 - (c) destroying ecosystems or any natural setting in the protected area;
 - (d) altering, removing, destroying or defacing without permission any boundary mark of a protected area or any boundary mark of a zoological garden or botanical garden fully administered by the Government or partly by the Government which has subscribed shares.
37. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to Kyats 50,000 or with both-
- (a) killing, hunting or wounding a completely protected wildlife species without permission; possessing, selling, transporting or transferring such wildlife or any part thereof;
 - (b) exporting without the recommendation of the Director General a completely protected wildlife or protected wild plant species or any part thereof;
38. The provision of section 36 sub-section (a) or section 37 sub-section (a) shall not apply to -
- (a) the possessing as a souvenir or wearing as a traditional custom of any part of a protected wildlife or a seasonally protected wildlife species;
 - (b) the possessing or wearing with a certificate of registration issued under section 27 sub-section (b) of any part of a completely protected wildlife species;
 - (c) the possession, use, sale, transport or transfer of a drug prepared from a part of protected wildlife species.
39. The Convicting Court shall, in respect of any legal proceeding instituted under this law award punishment for relevant offense and in addition -
- (a) may pass 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 wildlife and parts thereof involved in the commission of the offense and hand over the same to the Forest Department.
 - (c) may pass an order for confiscation of vehicles/ vessels, animals and other machinery and implements involved in the commission of the offense.

Chapter XII Miscellaneous

40. Wildlife sanctuaries which have been declared under the Wildlife Protection Act, 1936 shall be deemed to be wildlife sanctuaries determined as a protected area under this Law.
41. If an exhibit relating to any legal proceeding instituted under this Law is not easily produce before the Court, such exhibit need not be produced before the Court. However, a report or other relevant

documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court may dispose of the same in accordance with law.

42. In instituting legal proceedings under this Law prior sanction of the Ministry of Forestry shall be obtained.
43. In a case where administrative action is taken or where a legal proceeding is instituted under this Law, the burden of proving lawful ownership or lawful right of possession in respect of the exhibit seized shall lie on the person against whom action is taken.
44. When a request is made by the Forest Staff / Wildlife Staff for assistance in the performance of their duties, the People's Police Force shall render necessary assistance.
45. All money payable to the Forest Department under this Law shall be recovered as if it were an arrears of land revenue. A Forest Officer who has been assigned responsibility by the Ministry of Forestry for this purpose shall exercise the powers of a Collector under the existing laws.
46. Before the issuance of rules, procedures, notifications, orders and directives under this Law, rules, notifications, orders, directives and circulars issued under the Wildlife Protection Act, 1936 may continue to be applicable in so far as they are not inconsistent with this Law.
47. For the purpose of carrying out the provisions of this Law-
 - (a) the Ministry of Forestry may issue such rules and procedures as may be necessary, with the approval of the Government;
 - (b) the Ministry of Forestry or the Forest Department may issue such notifications, orders and directives as may be necessary,
48. The Wildlife Protection Act, 1936 is hereby repealed.

(Sd) Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council