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**Compliance and Enforcement of
Environmental Law in Myanmar**

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Constitution of the Republic of the Union of Myanmar (2008)

- Article 45: The Union shall protect and conserve natural environment
- Article 390: Every citizen has the duty to assist the Union in carrying out the following matters;
 - (a) preserving and safeguarding of cultural heritage;
 - (b) environmental conservation;
 - (c) Striving for development of human resources;
 - (d) protection and preservation of public property.

National Environmental Law

- The Environmental Conservation Law was enacted on 30 March 2012.
- The Environmental Conservation Rules were issued on 5 June 2014.

Multilateral Environmental Agreements (MEA)

Myanmar is a Party to the following main Multilateral Environmental Agreements ;

- Convention on Biological Diversity and its Catagena and Nagoya Protocols.
- United Nations Framework Convention on Climate Change and its Kyoto Protocol,

- Vienna Convention on the Protection of the Ozone Layer, Montreal Protocol on Substance that Deplete the ozone Layer and its London, Copenhagen, Montreal and Behring Amendments;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, D.C, 1973 and their convention as amended in Bonn, 1979 (CITES)

- United Nations Convention to Combat Desertification;
- Stockholm Convention Persistent Organic Pollutants (POPs)
- Basel Convention on the control of Trans-boundary Movements of Hazardous Wastes and their Disposal.

Enforcement Institutions

- Environmental Conservations Committee (ECC)
 - Formed in 2004
 - Reformed on 21 April 2011
 - Reformed again on 11 June 2013
 - Chairman: Union Minister of the Ministry of Environmental Conservation and Forestry (MOECAF)

- Member - Deputy Ministers from line ministries and Directors General from department concerned.
- Secretary – Director General of the Environmental Conservation Department (ECD), MOECAAF
- Joint Secretary – a Director from the President's Office

MOECAF

- The Ministry of Forestry was renamed to the Ministry of Environmental Conservation and Forestry (MOECAF) in September 2011
- There are five departments such as the Forest Department, the Dry Zone Greening Department, the Survey Department, the Environmental Conservation Department and an enterprise such as Myanmar Timber Enterprise.

ECD

- The Environmental Conservation Department (ECD) was formed under the MOECAAF in October 2012.
- There are 14 Regional and state offices established under the ECD.

Enforcement Mechanisms

- Power of ECC
 - Carrying out to environmental conservation
 - suggesting school lessons
 - accepting donation
 - Sending suggesting relating to environmental conservation to government department and organization

- Asking proposals and suggestion from the governmental departments for convention of environmental
- Prohibiting the government department of the environmental damages access and aching policy to the Union Government
- Laying down and carrying out polices

- Duty and Powers of MOECAAF
 - Implementing policies
 - Formulating work plans
 - Monitoring programmers of environmental conservation
 - Setting environmental quality standards
 - Proscribing of hazardous substances and waste
 - establishing factories and Stations for waste treatment

- Proscribing waste water and emission conditions
- Negotiating international and regional agreements.
- Implementing agreements accepted by Myanmar
- Causing to lay down and carry out system of environmental impact social impact assessment (SIA)
- Causing the polluter to Compensate

- Carrying out other functions and duties assigned by the Union Government
- establishing environmental management fund
- granting or refusing to issue the prior permission to the business which may likely to affect an adverse input on environment

- Function of ECD

- negotiating and drawing implementing and monitoring plans for environmental management.
- preparing conditions for economic incentives.
- preparing categorizes of hazardous materials.
- collecting and compiling of data for environmental conservation.

- adopting plans rotating to mitigation of and adaptation of climate change.
- disseminating environmental information and enhancing environmental awareness.
- scrutinizing and submitting so as to issues permission to business which may affect the environment.

- giving remark relating to import export and transport of hazardous material which are restricted as prohibited by international agreement and national Law.
- determining and issuing guidance relating to EIA .

- drawing EIA system and subliming it to MOECAAF.
- preparing and submitting environmental situating report for the whole country.
- publishing the said report

- EIA

- The project or business which is likely to affect adverse impact on the environment is required to conduct EIA.
- The said project or business which is established after the issuance of the environmental Conservation Rules are required to formulate on environmental Management Plan (EMP) and submittal to MOECAAF.

- The Myanmar Investment Commission sends the project proposal which is required to conduct EIA to the MOECFAF for its comment.
- According to the comment of MOECFAF, the project proponent must conduct the EIA with the third party.

- The project proponent must submit the EIA Report to the together with the Environmental management Plan (EMP) to the MOECAAF.
- The EIA Report Review Body is formed with experts from the relevant experts from the Government Departments as Organization and private experts.
- The MOECAAF may approve and reply on the EIA Report or EMP with the approval of ECC.

Enforcement Tools

- Some environmental-related laws are enacted for the implementation of MEA;
 - The Forest Law
 - The Protection of Wild Life and Wild Plants and Conservation of Natural Area Laws.
 - The Pesticide Law

- The Fertilizer Law
- The Seed Law
- The Fisheries Laws
- The City Development Committee Laws
- The Prevention of Hazard from chemical and Related Substance Law.

- The Final Draft Environmental Impact Assessment Procedures are in the process of domestic procedures for adoption.

- The Final Draft National Environmental Quality(Emission) Guidelines are also in the process of domestic procedures for adoption.

- The Order on Business relating to Ozone Depleting Substances is escudo an 25 April 2014 to implement the Manual Protocol.
 - CFCs have not been imported into the country since 2007.
 - Methyl Bromide is being used for quarantine and reshipments applications.
 - HCFC phase-out Management Plan (HPMP) is being implemented.

- The Order on the Hazardous Wastes is being formulated to implement the Basel Convention.
- The National Climate Change Policy Strategy and Action Plans are being formulated to implement the UNFCCC and its Kyoto Protocol.

Conclusion

- The Environmental Conservation Department (ECD) is building up its capacity for the effective compliance and enforcement of environmental law including MEA.
- Trainings are needed for the officers of ECD to promote their expertise.
- Technical and financial assistances are also needed for the implementation of environmental law.

**Thank you very much
for you kind attention**

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