

# Summary of Myanmar Gemstone & Antiquities (Fossil) Laws

As of April 2021

## GEMSTONE LAWS

Some background (mainly from this [article on the new 2017 gemstone law](#)):

- The 1995 gemstone law was amended twice, first in 2003 and then in early 2016. However, when the National League for Democracy came to power the second amendment was halted. Instead, work began on a new draft law. The government, led by State Counsellor Daw Aung San Suu Kyi, announced that it would no longer issue permits nor renew licences for jade and gemstone mining until amended legislation was in place. The decision came after international criticism that put a spotlight on the alleged link between gemstone mining and human rights abuses conducted by mining firms connected with powerful members of the former military government. A new law governing the gemstone industry was finally passed by Parliament in December 2018, a year after it had been drafted.
- Upon taking office in 2016, the National League for Democracy-led administration suspended issuing new or extensions of existing gemstone licences pending a governance review intended to clear up the sector - this lasted until 2018 when the 2017 law came into effect.
- Illegal mining took place in Myanmar for decades under military rule. According to the Extractive Industries Transparency Initiative, around 60-80% of gemstones mined in Myanmar are undeclared and traded outside the formal system.

### 1995 Myanmar Gemstone Law

- Primarily focuses on gemstone (including amber) marketing and aims to prevent illegal production of gemstones
- Gemstone Production Permits must be obtained from the Ministry of Mines
- This gives parties the right to sell gemstones nationally and internationally
- Penalties include 7–15 years imprisonment

### 2003 First Amending Law of the Myanmar Gemstone Law (1995)

- Minor changes to wording and language

### 2016 Second Amending Law of the Myanmar Gemstone Law (1995)

- Builds on 1995 law - generally allows for larger scale production of gemstones

- Gemstones must be sold internationally in accordance with trade regulations in border towns permitted by the Ministry of Mines

## 2017 Myanmar Gemstone Law

- [Link to useful article](#) that summarises the key points and criticisms
- Covers medium, small and artisanal mining, and limits the term of permits to three years, two years and one year, respectively
- However, large-scale mining is not covered under this law (a loophole to be exploited...)
- One of the aims of this new law was to revive legitimate jade mining in Kachin State (borders China) as this is an area where illegal gemstone trading has thrived
- Special commodity tax on gemstones (10% for amber) were removed.
- Permit holders will now be subjected to a tax (10% in the case of amber) and a service fee of 3% will also be imposed on the sale of raw gemstones, calculated on the actual sales price

## 2019 “Myanmar Gemstone Law 2”

- *[summary according to Google translate as no English translation is currently available]*
- Includes mentions of workers rights, welfare and safety (e.g. the reporting of accidents, provisions for sanitation, and the appointment of inspection officers)
- Permits for selling/export of gems must be sought from the Ministry

# ANTIQUITIES (FOSSILS) LAWS

## The Antiquities Act 1957

- States that permission must be sought from the Director of the Burma Archaeological Survey before moving an antiquity
- "antiquity" means “any object of archaeological interest and includes any land on or in which any such object exists or is believed to exist” and "object of archaeological interest" means and includes “any fossil remains of man or of animal”
- “No person shall export an antiquity except under the authority of a permit” provided by the president of the country
- No excavations are permitted without permission from the president or director
- Any antiquities that are discovered must be immediately reported to the president or director
- Punishments include imprisonment

## The Protection and Preservation of Antique Objects Law 2015

- The following are considered antique objects: “tangible and intangible cultural heritage including fossil, corpse and bones of human beings and various types of animals”

- Antiquities fall under the care of the Ministry of Culture of the Union Government
- Permission to carry out excavations must be sought from the Department of Archaeology and National Museum
- Punishments include imprisonment and fines
- "Whoever carries or transports an antique object to a foreign country without permission shall, on conviction, be punished with imprisonment for a term from a minimum of five years to a maximum of ten years or with a fine from a minimum of five million kyats [approx. 3500 USD] to a maximum of ten million kyats or with both."