

(Unofficial Translation)

State Peace and Development Council

Political Parties Registration Law

(State Peace and Development Council Law No. 2/2010)

9th Waning Day of Tabaung, ME 1371

(8 March 2010)

Preamble

The State Peace and Development Council hereby enacts, in accordance with Article 443 of the Constitution of the Republic of Union of Myanmar, the following Law, for enabling forming political parties, which have the objectives of non-disintegration of the Union, non-disintegration of National solidarity, perpetuation of sovereignty in the Union, and which have the principles of allegiance to the Union and practices in flourishing of a genuine, disciplined multi-party democratic system.

Chapter (1)

Title and Definition

1. This Law shall be called ‘Political Parties Registration Law’.
2. The following expressions in this Law shall have the meanings as follows:
 1. Union means Republic of Union of Myanmar
 2. Region or State means existing Regions and States
 3. Commission means Union Election Commission
 4. Political Party means the organization which is permitted to establish by Commission as provided by this Law, and which accepts and believes in genuine disciplined multi-party democratic system, and which is to carry out its party programme based on a political ideology
 5. Party means the political party which has organizational movement in either entire country or a Region and a State. This expression and term includes different levels of the branches of a party.
 6. Election means Pyithu Hluttaw election, Amyotha Hluttaw election and Region or State election.
 7. General Election means election conducted periodically by Commission for the regular term of a Hluttaw.
 8. By-election means election held by Commission for vacant seats in constituencies for the reasons of postponing of election in a constituency during a regular term of a Hluttaw or demise, resignation, termination from the representative of Hluttaw as provided by the Law or being recalled.
 9. Constituency means Phithu Hluttaw constituency, Amyotha Hluutaw constituency, Region or State constituency as prescribed by Commission in accordance with the relevant law to elect a representative of Hluttaw.
 10. Property owned by Party means party fund, movable or immovable property of the Party.
 11. Member of a religious order means as follows:
 1. As for the Buddhists, it means Buddhist monks, novice, acolyte, nuns who are serving for the Buddhist religion. Explanation: the expression ‘member of a religious order’ shall be relevant to religious monk or person who is temporarily ordained as a member of a religious order

2. As for the Christians, it means the person to whom the Churches concerned recognized as already have consecrated self to the service of God and being recognized by Churches concerned as Reverend or person who are assigned by Churches to perform the religious duty or person who voluntarily accepts the administration of Archbishop of the Christianity order concerned and join with a group of people or an organization constituted with religious regulation or determination.

3. As for the Hindu religion, it means Sannyasi, Mahant or Hindu priests.

12. Convict means person who is convicted by a trial court and serving prison term. This expression includes person who is filing appeal case or revision case against the lower court's judgment while serving prison term.

Chapter (2)

Establishing Political Party and Registration

3. (a) A group of people with at least 15 persons who wish to establish a political party with intent of conducting organizational works in entire Union, Region or State, shall apply to the Commission by mentioning the name of their Party and ask for permission to conduct their organizational work in accordance with the law to organize the persons to be inducted in their party as party members. In this application, they must sign acknowledgement to abide by the provisions in section 6 of this Law and they are in conformity with the provision of section 4 of this Law.

(b) When the Commission receives the application, it shall scrutinize the particulars mentioned in the application and shall give permission to establish as a political party if they are found in conformity with the provisions of section 4 of this Law. Commission shall reject the application if they are found not in conformity with the provision of the law.

(c) The group of people who wish to establish a political party shall select a leader and second leader among themselves when they get permission from Commission.

4. The persons who wish to establish a political party shall be in conformity with the following points.

(a) Person who is holding registration card of citizen, guest citizen, naturalized citizen or temporary document.

(b) Person who have attained age of 25 years.

(c) Person who is not a member of a religious order

(d) Person who is not a Civil Services personnel

(e) Person who is not the member of an organization which is waging war against the Union or the member and persons of organization which is declared by the Union as terror outfits, or members of organization which is declared as unlawful association as provided by an existing law, or person who is not having contact with said member of unlawful association directly or indirectly, or abetting the said unlawful association.

(f) Person who does not infringe the provision of Narcotic Drug and Psychotropic Drug Law.

(g) Person who is not the foreigner or naturalized citizen of a foreign country.

5. The Leader and Second leader of the group of persons who wish to form a political party shall apply to the Commission in prescribed form by mentioning the following points to register their organization as a political party after paying prescribed registration fee.

1. The name, flag and seal of the party which they wish to be formed.
2. Political ideology and party programme of their party.
3. Party regulation and constitution.
4. Name, Father's name, Occupation, Address, Date of Birth and National Identity Card No., Registration Card No., Guest Citizen Document No., Naturalized Citizen Document No. or Temporary Identity Document No.
5. Acknowledgement made under the section 6 of this Law.
6. As for the political party which will conduct organizational work in entire Union, acknowledge assuring for organizing at least 1,000 party members within 90 days from the date of being permitted to be registered, (or) as for the political party which will conduct their organizational work only in a Region or a State, acknowledge assuring for organizing at least 500 party members within 90 days from the date of being permitted to be registered.

6. The acknowledgement to abide by the following points must be mentioned in the application submitted as provided by the section 5 of this Law.

1. Safeguarding and maintaining the non-disintegration of Union, non-disintegration of National solidarity and perpetuation of sovereignty.
2. Safeguarding and maintaining the rule of law, and peace and tranquility.
3. Safeguarding the Constitution of the Republic of the Union of Myanmar.
4. Not to do writing, giving speeches or organizing and inciting which may affect the religious and racial sentiment of an individual or people, which may create social commotion (communal riot), and which may have impact on dignity and moral.
5. Not to abuse religion for political purpose.
6. Not to be a member of an organization who obtains and utilizes directly or indirectly the support of money, land, building, vehicle, property, so forth, from government or religious organization or other organizations of a foreign country or getting under influence of said organization and foreign country.

7. Anyone of the following organizations shall not have the right to apply for the registration as a political party.

1. Any organization which is declared as an unlawful association under an existing law.
2. Insurgent organization which is waging war against Union or the organizations and personages to which the State declared as committing terrorist acts, or an organization which is declared as unlawful association under an existing law, or the organization which directly or indirectly contacting or abetting said unlawful association or its members.
3. Organization which obtains and utilizes directly or indirectly money, building, vehicle and property owned by the State.
4. Organization which obtains and utilizes directly or indirectly the support of money, land, housing, building, vehicle, property, so forth, from government or religious organization or other organizations of a foreign country of falling under the influence of said organization and foreign country.
5. Organization which abuses religion for political purpose.

8. a. In submission of party name, flag and seal in accordance with the section 5, subsection (a) of this Law; the name, sign or symbol which are related to the religion or faith, or affect the principles of non-

disintegration of Union, non-disintegration of National solidarity, perpetuation of sovereignty, shall be avoided.

b. The Commission may direct the political party to make their party name, flag and seal distinct from other party's name, flag and seal which have been registered by Commission in accordance with the section of 5 of this Law if they are found identical or nearly identical, when submitting application for party registration. The application shall be rejected if the said party fails to abide by the directive of Commission to do so.

9. When the leader and second leader of a group of persons who wish to form a political party, submit their application for registration as a political party, the Commission shall check it by prescribed methods and then it can be permitted to be registered if found consistent with the stipulations, or, it may be rejected to be registered as a political party.

10. In organizing party members, only the following persons who have the following qualifications shall be organized.

a. Person holding document of citizen, guest citizen, naturalized citizen or temporary identification document.

b. person who have attained age of 18 years.

c. Not being the member of a religious order.

d. Not being the Civil Services personnel

e. Not serving prison term

f. Not being the member of an organization which directly or indirectly contacting or abetting insurgent groups launching armed rebellion against the Union or not being the associations and persons determined by the Union to have committed terrorist acts or the association declared to be an unlawful association under the existing law.

g. Person who does not infringe the provision of Narcotic Drug and Psychotropic Drug Law.

h. Person who is not a foreigner or naturalized citizen of a foreign country.

i. Person who acknowledges abiding by the stipulations under section 6 of this Law.

11. A party, starting from the date of being permitted to be registered as provided by the section 9 of this Law,

a. may issue party membership certificate to party membership applicants who are in conformity with the prescribed stipulations, may collect party entry fees and party monthly fees, and may conduct organizational work in accordance with the party regulation.

b. shall compile the party membership strength who have already been issued party membership certificate and then this party membership list shall be submitted to Commission as prescribed.

Chapter (3)

The right of non-existence of Political Parties

12. (a) If a party infringes any one of the following points, it shall not be entitled to operate as a political party.

1. A party which cannot contest in at least three constituencies in general election of Phithu Hluttaw constituency, Amyotha Hluttaw constituency, Region or State constituency.
2. Having been declared as an unlawful association under the existing law.
3. Directly or indirectly contacting or abetting the insurgent group launching armed rebellion against the Union or the associations and persons determined by the Union to have committed terrorist acts or the association declared to be an unlawful association.
4. Fail to abide by any one of the acknowledgements made under section 6 of this Law.
5. Organization which is found directly or indirectly obtaining and utilizing state owned money, land, housing, building and vehicle.

Proviso: 1. The expression 'State owned money' does not include pension, allowance, money or salary, allowances, money officially granted by the Union for services rendered for the benefit of the Union.

2. The expression 'State-owned land, housing, building, vehicles and property' does not include State-owned land, housing, building and apartments, other building and apartments, State-owned aircraft, trains, vessels and motor vehicles and property, so forth, which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment.

6. Intentionally concealing the fact of not ousting the party members who are not in conformity with the stipulations under section 10 of this Law.

7. Being found failing to organize the stipulated number of party members as prescribed under section 5 subsection (f) of this Law.

b. The Commission shall deregister the party which infringes a stipulation under subsection (a) (of this section) and this party shall be abolished.

13. A party shall present the completion of organizing and inducting party members in minimum required number as provided by section 5 subsection (f) of this Law to the Commission. After submitting in such manner, if the party membership falls below the minimum required number, the party shall perform to meet this minimum required number within 90 days otherwise the Commission shall deregister this party and also the party shall be abolished.

Chapter (4)

Accumulation of fund and properties, maintaining, expending, auditing and dissolution

14. The following persons shall perform the works of maintaining party-owned properties and maintaining financial accounts as prescribed.

- a. Party Central Executive Committee Chairman or Secretary for Party Head Office.
- b. Party Central Executive Committee Chairman or Secretary concerned for the State or Region, District or Township party branches, or, organizer concerned for the Ward or Village-tract party branches.

15. (a) The party fund shall be collected, pooled and maintain the financial account as follows:

1. Party entry fees and monthly fees collected under section 11 of this Law.
2. Money or property contributed to party by an individual citizen inside the country, Organization, citizen-owned Company or Company group, from their lawfully earned money or property.
3. Money and profit lawfully earned from the businesses owned by Party.

(b) Taxes and rates taxable on the money and property earned in accordance with this Subsection (a) sub-subsection (1) and (2) are exempted.

16. During a term of Hluttaw, a Party

- (a) May expend the prescribed expenditures in accordance with the party regulation for the party organizational work.
- (b) May expend the prescribed expenditures for each Hluttaw candidate representing the party in general election or by-election.

17. The Party shall perform drawing annual final accounts for each financial year, compiling inventory list of property owned by party, getting confirmation and approval in accordance with Party regulation as prescribed.

18. Commission may audit the financial accounts of a Party when necessary. And it may let the different levels of Sub-Commissions to audit these accounts. In auditing these accounts, the Commission or Sub-Commissions may ask for assistance from governmental department and organizations.

19. (a) The Party shall surrender Party-owned properties to department, organization determined by the Union Government by prescribed means if said Party is abolished itself, or being deregistered as provided by this Law.

(b) The Department, Organization concerned shall follow and practice the directive of Union Government regarding the properties surrendered to them in accordance with the subsection (a).

Chapter (5)

General

20. Regarding the implementation of provisions of this Law:

(a) The resolution of Commission shall be final and conclusive.

(b) Shall have no right to prosecute in any court.

21. A person can join one party only at a time.

22. Formation of different levels of Party branches shall be in accordance with the administrative boundary.

23. The Commission may supervise the Party in carrying out their party activities in accordance with the existing law, rules, procedures, notification, order and directives. The Commission may delegate its supervision works to the different levels of Sub-Commissions.

24. (a) The Commission may direct the Party to do necessary works in the stipulated time if the said Party is found not abiding the provision of the existing law or provision of this Law, rules, procedures, notification, order and directives.

(b) If someone lodges a complaint with the Commission on intra-party matters, the Commission may direct the said Party to do certain works within the stipulated time if necessary for the sake of the Union, after investigating the complaint.

(c) If the Party fails to exactly follow the directive made under subsection (a) or (b), the Commission may suspend the registration of said Party as a political party for the period which may extend to 3 years.

(d) If a Party is suspended from political party registration as provided by subsection (c), the Party shall suspend all its party activities except the activities as directed by the Commission during the suspended period.

(e) If the Party fails to abide by the directive until the end of the suspended period made under subsection (c), the Commission shall deregister the said Party from political party registration and shall abolish it.

25. The Parties which are in existence under the Political Parties Registration Law (State Law and Order Restoration Council Law No. 4/88) shall apply to the Commission within 60 days from the date of enactment of this Law if they wish to be continue as a political party. Unless they apply as aforesaid, these parties shall be presumed automatically null and void from the registration of political parties.

26. In implementing the provisions of this Law, the Commission may make necessary rules, procedures, order, notification and directives and issue them.

27. Political Parties Registration Law (State Law and Order Restoration Council Law No. 4/88) is repealed by this Law.

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Chairman

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