

The Registration of Organizations Law (Draft)

Pyidaungsu Hluttaw Law No. ---/2013

1375 M.E, ----- Month, ----- Day

(2013, ----- Month, ----- Day)

The Pyidaungsu Hluttaw hereby enacts this law.

Chapter 1

Title and Definition

1. This law shall be called the Registration of Organizations Law.
2. The expressions contained in this law shall have the following meanings:
 - (a) **State** means the Republic of the Union of Myanmar;
 - (b) **Government** means Union Government of the Republic of the Union of Myanmar;
 - (c) **Registration body for INGOs** means the registration body for INGOs formed and staffed by the Union Government;
 - (d) **Regional/state level registration bodies** means the region/state level registration bodies formed and staffed by the region/state government;
 - (e) **Naypyitaw Council registration body** means the Naypyitaw Council registration body formed and staffed by the Naypyitaw Council;
 - (f) **District level registration bodies** means the registration body for organizations at district level formed and staffed by the self-administered division department or self-administered region department or district general administration department;
 - (g) **Township level registration bodies** means the registration body for organizations at township level formed and staffed by the township general administration department;
 - (h) **Local organization** means a non-profit local social organization formed collectively by two or more than two persons for any objective or any scheme in accordance with the rights granted by the Constitution for the benefit of the state and citizens or for the common benefit of the members. In this expression branch organizations are also included;
 - (i) **International Non-Governmental Organization (INGO)** means an organization registered in any foreign country which intends to perform social activities of any type in the country with the approval of the Union Government;

- (j) **Registration certificate** means the certificate recognizing the international non-government organization or the certificate recognizing the local organization;
- (k) **Ministry** means the Ministry of Home Affairs of the Republic of the Union of Myanmar;
- (l) **Department** means the General Administration Department of the Ministry of Home Affairs;
- (m) **Director General** means the Director General of the General Administration Department;
- (n) **Director** means the Director assigned by the Director General of the General Administration Department.

Chapter 2

Objectives

- 3. The objectives of this law are as follows:
 - (a) to implement the registration of the organizations and the registration of the INGOs in accordance with the provisions of this law;
 - (b) to systematically permit the free formation and movement of the organizations in accordance with the provisions of this law;
 - (c) to support the organizations' work for the national development and the benefit of the citizens;
 - (d) to obtain the necessary assistance from the relevant ministries in accordance with the law;
 - (e) to develop a strong civil society.

Chapter 3

Formation of the registration bodies, their functions and duties

- 4. The following bodies charged with the registration of organizations shall be formed -
 - (a) registration body for international non-governmental organizations;
 - (b) registration bodies for organizations at regional and state level;
 - (c) registration body for organizations within the jurisdiction of the Naypyitaw Council;
 - (d) registration body for the district organizations;
 - (e) registration body for the township organizations.
- 5. The registration bodies mentioned in section 4 shall be formed as follows-

(a) Formation of the registration body for international non-governmental organizations

The Union Government shall form the registration body for international non-government organizations consisting of the following persons-

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| (1) Union Minister, Ministry of Home Affairs | Chairman |
| (2) Deputy Minister, the President's Office | Member |
| (3) Deputy Minister, Ministry of Foreign Affairs | Member |
| (4) Deputy Minister, Ministry of National Planning and Economic Development | Member |
| (5) Director General, General Administration Department | Secretary |

(b) Formation of the regional/state level registration body

The regional/state governments shall form the regional/state level registration bodies consisting of the following persons-

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| (1) Minister for social affairs | Chairman |
| (2) Regional/state police commander | Member |
| (3) Two representatives selected by organizations at regional/ state level | Member |
| (4) Director of the regional/state general administration department | Secretary |

(c) Formation of the Naypyitaw Council registration body

The Naypyitaw Council shall form the Naypyitaw Council registration body consisting of the following persons –

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| (1) A member of the Naypyitaw Council | Chairman |
| (2) Naypyitaw Police commander, Myanmar police force | Member |
| (3) Two representatives selected by organizations within the jurisdiction of the Naypyitaw Council | Member |
| (4) Director, Naypyitaw general administration department | Secretary |

(d) Formation of the district level registration bodies

The self-administered division departments or self-administered region or district administrators, district general administration departments shall form the district level registration bodies consisting of the following persons-

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| (1) District administrator, district general administration department | Chairman |
| (2) District police commander, Myanmar police force | Member |
| (3) Two representatives selected by organizations at district level | Member |
| (4) Deputy director, district general administration department | Secretary |

(e) Formation of the township level registration body

The township administrator, township general administration departments shall form the township level registration bodies consisting of the following personnel-

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| (1) Township administrator, township general administration department | Chairman |
| (2) Township police commander, Myanmar police force | Member |
| (3) Two representatives selected by township organizations | Member |
| (4) Executive officer, township general administration Department. | Secretary |

6. The functions and duties of the registration bodies are as follows-
- (a) to decide on the application for registration of organizations;
 - (b) to issue and change registration certificates;
 - (c) to assist in the operation of the organizations in accordance with the law;
 - (d) to coordinate with the relevant departments to facilitate the realization of the objectives and functions of the organizations;
 - (e) the registration body for INGOs may register and extend the term of the INGOs.

Chapter 4

Registration of local organizations

7. If an organization wants to register, the chairman of the organization, secretary or the responsible person shall apply to the relevant registration body in accordance with the wishes of the organization and furnish-
- (a) name of the organization;
 - (b) location and contact address;
 - (c) date of the organization's foundation;
 - (d) objective;
 - (e) number of the organization's executives;
 - (f) number of the members;
 - (g) [information on] money and assets owned by the organization;
 - (h) The organization's activities;
 - (i) charter of the organization;
 - (j) other specific items;

- (k) date of the application.
8. The relevant registration body must issue a temporary registration certificate within 7 days to an organization which has applied to obtain a registration certificate according to section 7. After scrutinizing in accordance with the stipulations-
- (a) the registration body shall, if it has decided to allow the registration of the organization, issue the registration certificate to the applicant within the following specified periods, counting from the day the application was received-
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| (1) Union level registration body | 60 days |
| (2) region or state level registration body | 60 days |
| (3) Naypyitaw Council registration body | 60 days |
| (4) district/township level registration body | 30 days |
- (b) the organization which has obtained the registration certificate shall pay the prescribed registration fees;
- (c) the registration body shall, if it has decided to not allow the registration, reply to the applicant within the following prescribed periods stating in detail that the registration is not allowed-
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| (1) Union level the registration body | 30 days |
| (2) region or state level registration body | 30 days |
| (3) Naypyitaw Council registration body | 30 days |
| (4) district/township level registration body | 15 days |
- (d) the applicant may negotiate with, and appeal to, the relevant registration body upon receiving the reply letter which states that the registration is not allowed by the relevant registration body.
9. An organization registered with a regional/state level registration body has the right to move within all the regions/states. The registration fee is kyats 30,000. If the organization wants to move to other regions/states, it must inform the relevant registered body.
10. An organization registered with the Naypyitaw Council registration body has the right to move within all the regions/states. The registration fee is kyats 30,000. If the organization wants to move to other regions/states, it must inform the relevant registration body.
11. An organization registered with a self-administered division/self-administered region/district registration body has the right to move within the relevant regions/states. The registration fee is kyats 10,000. If the organization wants to move to another self-administered division/self-administered region/district, it must inform to the relevant registration body.

12. An organization registering with the township level registration body has the right to move within the relevant self-administered division/self-administered region/district. A registration fee is not required to be paid. If the organization wants to move to other townships in the relevant district, it must inform to the relevant registration body.

Chapter 5

Registration of INGOs

13. The responsible person of an INGO shall apply to the INGO registration body in accordance with the following stipulations to obtain a registration certificate and furnish-
- (a) name of the organization;
 - (b) name of its head;
 - (c) name of the responsible person;
 - (d) location and contact address;
 - (e) country in which the organization is based;
 - (f) activities to be undertaken in Myanmar;
 - (g) ministries to contact;
 - (h) work program;
 - (i) number of executive members;
 - (j) location of the branch office and contact address;
 - (k) name of the responsible person of the branch office;
 - (l) date of application.
14. The relevant registration body shall issue a temporary registration certificate to the applicant who has applied to obtain a registration certificate according to section 13 within 7 days. Then after scrutinizing in accordance with the stipulations-
- (a) the registration body shall, if it has decided to allow the registration of the organization, issue the registration certificate to the applicant within 90 days counting from the day the application was received-;
 - (b) the organization which has obtained the registration certificate shall pay the prescribed registration fees which are kyats 100,000;
 - (c) the registration body shall, if it has decided to not allow the registration, reply to the applicant within 30 days stating in detail that the registration is not allowed;

- (d) the applicant may negotiate with, and appeal to, the relevant registration body upon receiving the reply letter which states that the registration is not allowed by the relevant registration body.

Chapter 6

Organizations which do not have to apply for registration

- 15. The following organizations do not have to apply for registration under this law -
 - (a) Religious and business organizations;
 - (b) political organizations which have to apply to the Union Election Commission in accordance with the Political Parties Registration Law;
 - (c) Organizations registered in accordance with any [other] existing law.

Chapter 7

Renewing the registration certificate

- 16. A registered organization must submit an annual report once per year to the relevant registration body. It is regarded as continuing to exist if it submits the annual report regularly; the registration certificate shall be renewed every 5 years. No registration fee is required to be paid for the renewal.
- 17. A registered organization must submit an annual report once per year to the relevant registration body and, if failing to do so for 5 years in succession, it is regarded as being inactive. If it wants to re-activate its operations, it must apply again for a registration certificate as if a new application were made.
- 18. A local organization which is denied renewal of its registration certificate has the right to continue to exist for up to 90 days counting from the date of receipt of the reply letter from the relevant registration body. It is entitled to negotiate with, and appeal to, the registration body regarding the matter.
- 19. A INGO which is denied renewal of its registration certificate has the right to continue to exist for up to 180 days counting from the date of receipt of the reply letter from the relevant registration body. It is entitled to negotiate with, and appeal to, the registration body regarding the matter.

Chapter 8

Safeguarding the rights and benefits of the organizations

20. The relevant ministries and the regional administration organizations shall cooperate to safeguard the legal activities of any registered organization in accordance with the laws.
21. Any registered local organization shall have the right to receive the support given by the state.
22. Any registered local organization shall have the right to receive the support in accordance with the law from any INGOs or any local organization or any independent private person who wants to assist.
23. Any registered organization shall have the right to sue, the right to be sued, the right to establish funds, the right to collect donations, the right to open bank accounts, the right to own moveable property and immovable property.
24. Any registered organization shall have the trademark rights concerning this organization's own seal, own mark, own uniform.

Chapter 9

Miscellaneous

25. Any member of any political party shall have the right to take part in the organizations formed under this law.
26. Any government servant and any company employee shall have the right to take part in the organizations formed under this law.
27. [Not translated.]
28. A registered organization shall, if they want to change or expand their objectives and programs, submit the matter to the relevant registration body.
29. If a local organization wants to expand its area of activity from township level to district level or from district level to regional/state level, it shall apply to the relevant registration body in accordance with the provisions stipulated in this law.
30. A local organization shall have the right to carry out its activities beyond the border of the relevant region in response to an emergency after having informed the administrative body of the region to which it wants to extend its activities.

31. If an unregistered INGO wants to engage in social activities in a region where an emergency occurred, it shall apply to the registration body for INGOs. The registration body for INGOs shall issue a temporary registration certificate immediately.
32. If an organization wants to cease to exist, change its name, or change its address, it shall inform the relevant registration body within 7 days.
33. The representatives of the registration bodies shall, upon consultation with the organizations, be selected and assigned duty at intervals of at least 30 months.
34. In implementing the provisions stipulated under this law-
 - (a) the Ministry may issue the required rules, regulations and bye-laws with the consent of the Government;
 - (b) the Union level registration body may issue the required notification, order, directive and the procedures.
35. The promulgated rules, procedures, orders and directives under the Organizations Formation Law (State Law and Order Restoration Council Law No. 6/88) shall be in force before the enactment of rules, procedures, orders and directives under this law, unless they are contrary to this law.
36. The Organization Formation Law (State Law and Order Restoration Council Law No. 6/88) is repealed by this Law.
37. The Organizations registered and formed under the Organization Formation Law (State Law and Order Restoration Council Law No. 6/88) which is repealed by this law shall be regarded as organizations formed in accordance with this Law.

This text is published for the public awareness and to solicit suggestions by the public.