



အခန်း(၁၀)
နိုင်ငံရေးပါတီများ

Chapter X
POLITICAL PARTIES

နိုင်ငံရေးပါတီများဖွဲ့စည်းခြင်း

- ၄၀၄။ နိုင်ငံရေးပါတီတစ်ရပ်သည် -
(က) ပြည်ထောင်စုမပြိုကွဲရေး၊ တိုင်းရင်းသားစည်းလုံးညီညွတ်မှုမပြိုကွဲရေးနှင့် အချုပ်အခြာအာဏာတည်တံ့ခိုင်မြဲရေးတို့ကို ဦးတည်ချက်ထားရှိရမည်။
(ခ) နိုင်ငံတော်၏ကျေးဇူးသစ္စာကို စောင့်သိရှိသေရမည်။
၄၀၅။ နိုင်ငံရေးပါတီတစ်ရပ်သည် -
(က) စစ်မှန်၍ စည်းကမ်းပြည့်ဝသော ပါတီစုံဒီမိုကရေစီစနစ်ကို လက်ခံကျင့်သုံးရမည်။
(ခ) ဤဖွဲ့စည်းပုံအခြေခံဥပဒေနှင့် တည်ဆဲဥပဒေများကို လေးစားလိုက်နာရမည်။
(ဂ) နိုင်ငံရေးပါတီအဖြစ် ဥပဒေနှင့်အညီ ဖွဲ့စည်းမှတ်ပုံတင်ထားရမည်။
၄၀၆။ နိုင်ငံရေးပါတီတစ်ရပ်သည် နိုင်ငံတော်အတွင်း ဥပဒေနှင့်အညီ -
(က) လွတ်လပ်စွာစည်းရုံးခွင့်ရှိသည်။
(ခ) ရွေးကောက်ပွဲများတွင် ပါဝင်ယှဉ်ပြိုင်ခွင့်ရှိသည်။

နိုင်ငံရေးပါတီများ ဆက်လက်ရပ်တည်ပိုင်ခွင့်မရှိခြင်း

- ၄၀၇။ နိုင်ငံရေးပါတီတစ်ရပ်သည် အောက်ပါအကြောင်းတစ်ခုခုနှင့် ငြိစွန်းလျှင် ဆက်လက် ရပ်တည်ပိုင်ခွင့်မရှိစေရ -
(က) တည်ဆဲဥပဒေအရ မတရားအသင်းအဖြစ် ကြေညာခံရခြင်း၊
(ခ) နိုင်ငံတော်အား လက်နက်ကိုင်တော်လှန်ပုန်ကန်နေသော သောဠကျွန်းသူ အဖွဲ့အစည်း သို့မဟုတ် အကြမ်းဖက်လုပ်ရပ်များကို ကျူးလွန်သည်ဟု နိုင်ငံတော်က သတ်မှတ်သော အဖွဲ့အစည်းနှင့် ပုဂ္ဂိုလ်များ သို့မဟုတ် မတရားအသင်းအဖြစ် ကြေညာခံထားရသော အဖွဲ့အစည်းနှင့် တိုက်ရိုက် ဖြစ်စေ သွယ်ဝိုက်၍ဖြစ်စေ ဆက်သွယ်ခြင်း သို့မဟုတ် အားပေးကူညီခြင်း။

Formation of the Political Parties

- 404. A political party shall :
(a) set the objective of non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;
(b) be loyal to the State.
405. A political party shall :
(a) accept and practise a genuine and discipline-flourishing multi-party democratic system;
(b) abide by and respect this Constitution and the existing laws;
(c) form and register as a political party in accord with the law.
406. A political party shall, in accord with the law, have the right in the Union to :
(a) organize freely;
(b) participate and compete in the elections.

The right of Non-Existence of Political Parties

- 407. If a political party infringe one of the following stipulations, it shall have no right of continued existence :
(a) having been declared an unlawful association under the existing law;
(b) 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;

U Nyunt Hlaing, Page 163 (Article 404)

Arrested in 1997 for 4 years and 5 months for sending a letter to the government against the confiscation of the lands of the farmers by the military government. He was 58.

PAGE 163 OF THE 2008 CONSTITUTION. ARTICLES 404 through 407. These articles require political parties to have "non-disintegration of the Union" and "loyalty" as their objectives. The power granted under these Articles to the Government which, in many cases, will be a political opponent of the parties accused of Article 407 activities, is so broad that it effectively allows the Government to hinder political parties' freedom of association, threaten opponents with dissolution, and restrict funding of opponents. Furthermore, the 2008 Constitution does not allow for any review of political parties' activities by an impartial and legitimate body.

NAME OF POLITICAL PRISONER: U Nyunt Hlaing

GENDER: Male ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 31.1.1939 Age 75 EDUCATION: Teaching Studies, Yangon OCCUPATION BEFORE PRISON: Teacher. National League for Democracy Member of Parliament in 1990. OCCUPATION AFTER PRISON: Continued with politics. Now he is retired. He sold his car, his house and all his belongings and he's living on that.

TIME IN PRISON

ARRESTED on February 1997 for 4 years and 5 months for sending a letter to the government against the confiscation of the lands of the farmers by the military government.

WISHES FOR 2015: Free and fair elections.

HISTORY CLOSE-UP: LAND CONFISCATION AND HUMAN RIGHTS

Myanmar remains a mostly rural country, in which the majority of the population relies on small farms for their livelihoods. Since Ne Win's coup d'état in 1962, the small and poor farmers have suffered unrestricted confiscation of land for development ventures and natural resource extraction projects. Regrettably, under the current quasi-civilian government, the rate of landless farmers has been on the rise for several years. The unfair practice may grow because of a latest legal structure that guarantees less safeguard towards deprived farmers than before, as well as the escalating foreign investment concerning military conglomerate and cronies. Simultaneously, conflicts taking place out of land utilization are mounting especially in natural resource extraction sectors, which have caused more aggressive violence in several unusual cases. As the President U Thein Sein Government gains recognition right through the international sphere, villagers in country's rustic parts are being displaced and their lands confiscated due to development projects, which give little benefit to them. Together with land grabbing, local inhabitants frequently suffer serious extra human rights abuses, including forced labour, environmental degradation, bodily terrorization and improper detention. And their capacity to prevent these impacts is restrained by the lack of information on respective projects, and also legal barriers made by the authorities get in their way to regain the location. Besides, there are threats of bloodshed, and the remaining effects of past sufferings. Whereas international mind-set urges to keep land in the hands of local communities and implement genuine agrarian reform in order to ensure equitable access to land and natural resources, Myanmar government's reform process seems to be against this. Following the quasi-civilian government's reforms, many business and development projects have been started in Myanmar. Millions of ethnic people have been expelled from their homes to make way for development projects such as hydropower dams, reservoirs and seaports. However, construction and engineering companies close to the government enjoy profits from those projects. They receive millions of dollars for designing and building development projects. The high-ranking officials of the military-dominated Burmese government take advantage of the development plans in many ways -- illegal taxes, kickbacks and inducement -- during construction of a development project. Quite the opposite, the local inhabitants, especially ethnic people, have lost their homes and livelihoods. Consequently, their children cannot go to school, cannot enjoy healthcare and they have to live under poverty line for life. Despite the promise of the change in Myanmar, the human rights situation remains serious. The Government of Myanmar must be convinced to take necessary measures for the improvement of its human rights situation related to the land grabbing issues. Maybe the UN should also consider establishing a Commission of Inquiry into the illegitimate land confiscation business in Myanmar that caused not only armed conflict but also produced several thousands of landless farmers, refugees and internal displaced population...