

KINGDOM OF CAMBODIA
NATION RELIGION KING



THE ROYAL GOVERNMENT

**LAW ON
ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS**

**CHAPTER 1
General Provisions**

Article 1:

This law aims at safeguarding the rights and freedoms and promoting the movement to create associations and non-governmental organizations of Cambodian citizens in the Kingdom of Cambodia in order to protect their legitimate interests and to protect the public interests as well as to enhance the partnership cooperation between the associations and/or the non-governmental organizations and the Royal Government of Cambodia.

Article 2:

The purposes of this law are to determine the formalities to legally recognize the

- associations or non-governmental organizations as well as to establish the relationship
- between associations and/or non-governmental organizations and the public authorities for the development of Cambodian society.

Article 3:

This law has a scope of application to associations and non-governmental organizations which are conducting activities in the Kingdom of Cambodia.

Article 4:

The terms used in this law define as follows:

-A domestic association refers to a group of Cambodian natural persons or legal entities who agree to establish for the interests of its members without conducting any activity to generate profits for sharing among their members. A domestic association may conduct activities for the public interests.

-A domestic non-governmental organization refers to a group of Cambodian natural persons or legal entities who agree to establish to conduct activities to serve public interests without conducting any activity to generate profits for sharing among their members.

-A foreign association or non-governmental organization refers to a group of foreign natural persons or legal entities who agree to establish under the foreign laws for the interests of its members or conducts activities to serve public interests without conducting any activity to generate profits for sharing among their members.

-An association refers to both domestic and foreign associations.

- Non-governmental organization refers to both domestic and foreign non-governmental organization.

- Community-based organization refers to a group of Cambodian citizens who voluntarily agree to establish, manage and conduct its activities to serve and protect the interests within its local community.

CHAPTER 2

Registration of Domestic Associations or Non-Governmental Organizations

Article 5:

A domestic association or non-governmental organization may be freely established without necessarily obtaining permission or prior notice. However, these associations or non-governmental organizations shall not have legal capacity, unless they have complied with the provisions as provided for in Article 7 of this law. - A community-based organization, according to this law, shall not be required to register, unless otherwise provided for in separate laws. However, a community-based organization shall provide a prior written notice regarding the name of the organization, objectives and name of the organization's president to the authorities of the commune/Sangkat where they conduct activities.

Article 6:

Domestic associations or non-governmental organizations to be registered at the Ministry of Interior shall have:

- at least three (03) Cambodian founding members , whose age is from 18.
- a office in the Kingdom of Cambodia;
- The statute in conformity with the Constitution and other existing laws. This statute shall contain key points as follows:
 - Purpose and objective;
 - Name written in full and abbreviation without making copies of the full names or abbreviation of any association or non-governmental organization already registered;
 - Logo shall not copy the logo of national or state institution or symbols of any association or non-governmental organization already registered or symbols of the Red Cross or Red Crescent or international institutions;
 - Rules for selecting, terminating, dismissing, transferring and removing the position of the president or executive directors;
 - Rules for changing the organization's name and logo and amendment of the organizational statute;
 - Sources of resources and properties;
 - Rules of resource and property management;
 - Rules of dissolution and management of resources and properties upon being dissolved.

Article 7:

To register a domestic association or non-governmental organization, the president of a domestic association or non-governmental organization shall submit the following complete documents:

- Application forms for registration, two (02) copies;
- A letter stating the address of the central office of a domestic association or non-governmental organization, recognized by the Commune or Sangkat Chief, one (01) copy;
- A statute signed by the president of a domestic association or non-governmental organization, two (02) copies;
- Profiles of each founding member with a recent 4x6 size photograph, two (02) copies.

Article 8:

The Ministry of Interior shall examine the documents and the legality of the statute of a domestic association or non-governmental organization, and shall decide whether or not to accept the registration within forty five (45) working days at the latest.

The Ministry of Interior shall notify in writing to any concerned domestic association or non-governmental organization, whose registration has not been approved by the Ministry of Interior and asking them to make modifications within forty five (45) working days at the latest.

Provided that a domestic association or non-governmental organization has appropriately modified the lacking points, the Ministry of Interior shall approve the registration within fifteen (15) working days from the date on which the modified documents are received.

In case the Ministry of Interior decides not to approve the registration, the concerned domestic association or non-governmental organization has the right to appeal to the court.

Article 9:

An domestic association or non-governmental organization shall become a non-profit legal entity or a legal entity serving public interests from the date the Ministry of Interior approves the registration.

Article 10:

A domestic association or non-governmental organization shall notify in writing to the Ministry of Interior attaching with the modified documents, in case of amending its statute or relocating its office or replacing of the position of the president or executive director.

Article 11:

Any foreign association or non-governmental organization wishing to conduct activities more than one (1) year in the Kingdom of Cambodia shall sign the memorandum with the Ministry of Foreign Affairs and International Cooperation. Any foreign association or non-governmental organization operating activities less than one (1) year shall notify in writing about the period of its aid project and the locations for implementation to the Ministry of Foreign Affairs and International Cooperation.

Article 12:

Any foreign association or non-governmental organization wishing to implement aid projects in the Kingdom of Cambodia for more than one (1) year shall submit an application for the signing of a memorandum to the Ministry of Foreign Affairs and International Cooperation by meeting requirements and enclosing the following documents:

- A letter of the director of a foreign association or non-governmental organization which has its permanent office in a foreign country, requesting to appoint its representative with the attachment of the profile of a person requested to be appointed, one (1) copy and the request to open a representative office, one (1) copy;
- A letter indicating the address of the representative office in the Kingdom of Cambodia, from the Commune or Sangkat Chief, one (01) copy;
- An operation permit for the organization issued by a competent authority of the country of origin hosting the permanent office of the concerned organization, one (1) copy;
- A letter issued by the Ministry or the institution of the Royal Government of Cambodia to support the aid projects of the foreign association or non-governmental organization, one (1) copy
- Budget declaration for implementing the aid projects of the foreign association or non-governmental organization within at least one (01) year, certified by its permanent office in the foreign country, one (1) copy;
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The President of a foreign association or non-governmental organization in the Kingdom of Cambodia shall ensure that he/she will provide one (01) copy of its bank statement which has deposited at any bank recognized by the National Bank of Cambodia within thirty (30) working days at the latest after signing the memorandum. In case of not complying with the above deadline, without providing proper reasons, the Ministry of Foreign Affairs and International Cooperation shall decide in writing to remove the memorandum of that foreign association or non-governmental organization.

Article 13:

The Ministry of Foreign Affairs and International Cooperation shall examine the contents of the application and decide whether or not to sign a memorandum with a foreign association or non-governmental organization within forty-five (45) working days at the latest.

Article 14:

A foreign association or non-governmental organization shall discuss and agree with partner ministries/institutions of the Royal Government on aid projects/programs before submitting an application for a memorandum of

understanding with the Ministry of Foreign Affairs and International Cooperation as provided for in paragraph 4, Article 12 of this law. Regarding any foreign association or non-governmental organization which has no partner ministries/ institutions in any field, that foreign association or non-governmental organization may discuss directly and sign a memorandum with the Ministry of Foreign Affairs and International Cooperation.

Article 15:

A foreign association or non-governmental organization shall have sufficient budget to implement its aid projects in the Kingdom of Cambodia, and ensure that administrative expenses including staff's salaries, office equipments, and other expenditures for office functioning shall not exceed 25 percent of the total budget.

Article 16:

After signing the memorandum with the Ministry of Foreign Affairs and International Cooperation, the foreign association or non-governmental organization shall declare its agreement on aid projects to the Council for the Development of Cambodia.

Article 17:

A memorandum shall have its validity for the longest three (03) years depending on the aid projects of the foreign association or non-governmental organization. The validity of the memorandum thereof shall automatically terminate on its expiry date.

In case a foreign association or non-governmental organization wishing to extend the validity of its memorandum, it shall submit a request to extend the validity of its memorandum within ninety (90) days prior to its expiry date.

The Ministry of Foreign Affairs and International Cooperation may terminate the validity of the memorandum as provided for in the above paragraph, in the event that a foreign association or non-governmental organization conducts activities which jeopardize peace, stability and public order or harm the national security, national unity, culture, customs and traditions of the Cambodian national society.

Article 18:

A foreign association or non-governmental organization shall notify in writing the Ministry of Foreign Affairs and International Cooperation attaching with the modified documents, in case of relocating its representative office or country representative

CHAPTER 4

Resources and Assets of Associations and Non-Governmental Organizations

Article 19:

Resources and properties of a domestic association or non-governmental organization include the following:

- Donation or contributions or subscription fees of members;
- Own resources and assets of a domestic association or non-governmental organization;
- Lawful gifts from natural persons or legal entities;
- Other incomes generated from lawful sources.

Article 20:

Resources and assets of a foreign association or non-governmental organization obtain from lawful sources.

CHAPTER 5

Rights, Benefits and Obligations of Associations or Non-Governmental Organizations

Article 21:

An association or non-governmental organization which has registered or signed the memorandum may request to import necessary materials/equipment for use according to its aid projects, of which import taxes and duties shall be the state's burden.

Article 22:

An association or non-governmental organization which has registered or signed the memorandum is entitled to enter into contracts, cooperate with its partners for implementing aid projects according to the existing laws of the Kingdom of Cambodia.

Article 23:

An association or non-governmental organization, which has registered or signed the memorandum is entitled to recruit Cambodian staffs or workers. Such recruitment shall comply with the existing laws of the Kingdom of Cambodia, and shall employ Cambodian staffs or workers to the maximum extent.

Article 24:

Foreign non-governmental organizations' representative offices, expatriate and Cambodian staff and their family members shall not enjoy immunities and privileges bestowed to diplomats as provided for in the 1963 Vienna Convention on Diplomatic Relations regarding their professional activities as well as all types of court cases, unless otherwise provided for in a special agreement between the Royal Government of Cambodia and the foreign association or non-governmental organization.

Article 25:

A domestic association or non-governmental organization which has registered at the Ministry of Interior shall submit a copy of its annual reports on activities and budget status to the Ministry of Interior by the end of February. This report shall be deposited at its office for at least five (5) years.

A foreign association or non-government organization which has signed the memorandum shall submit its annual reports on activities and budget status to the Ministry of Foreign Affairs and International Cooperation within two (2) months after the end of its fiscal year.

CHAPTER 6

Suspension, Dissolution, Termination of Validity of Memorandum of Understanding, and Management of Resources and Assets of Associations or Non-Governmental Organizations

Article 26:

A domestic association or non-governmental organization may suspend its activities or dissolve as determined in its statute by providing written notification to the Ministry of Interior.

Article 27:

A foreign non-governmental organization may request to suspend its activities or terminate validity of its memorandum by submitting a written request to the Ministry of Foreign Affairs and International Cooperation and carbon copying to all relevant competent institutions.

Article 28:

Should a domestic association or non-governmental organization voluntarily dissolves as stated in Article 26 of this law, the management of resources and assets shall comply with its organization's statute or decisions of the concerned domestic association or non-governmental organization.

Should a domestic association or non-governmental organization is dissolved by court decisions, the management of resources and assets shall comply with decisions thereof.

Article 29:

A foreign association or non-governmental organization, whose memorandum validity is terminated as provided for in Article 27 of this law, the management of resources and assets shall be complied with the decisions of the foreign association or non-governmental organization, who has requested to open its representative office in the Kingdom of Cambodia.

CHAPTER 7

Administrative Measures

Article 30:

In case an association or a domestic non-governmental organization does not comply with Article 10 or Article 25, para. 1 of this law, the Ministry of Interior shall issue a warning in writing by giving at the latest one (1) month. In case of non-compliance, the Ministry of Interior shall issue a warning in writing by giving at the latest three (3) months. In case of still refusing to comply with the warning, the Ministry of Interior shall issue a written decision to remove from the registration list.

Article 31:

In case a foreign association or non-governmental organization does not comply with Article 18 or Article 25, para. 2 of this law, the Ministry of Foreign Affairs and International Cooperation shall issue a warning in writing by giving at the latest one (1) month. In case of non-compliance, the Ministry of Foreign Affairs and International Cooperation shall issue a warning in writing by giving at the latest three (3) months. In case of still refusing to comply with the warning, the Ministry of Foreign Affairs and International Cooperation shall issue a written decision to terminate the validity of its memorandum.

CHAPTER 8 Transitional Provisions

Article 32:

Following the entry into force of this law, any domestic association or non-governmental organization which has deposited application dossiers at the Ministry of Interior shall provide written notification regarding the continuity of its activities within three hundred and sixty-five (365) working days at the latest by specifying the name, office address, identity of governing members and the latest amended statute (if any). In case it is overdue, the Ministry of Interior shall consider that the domestic association or non-governmental organization has virtually abandoned its activities.

Article 33:

Following the entry into force of this law, a foreign association or non-governmental organization which has signed a memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation retains continued validity of its memorandum.

CHAPTER 9 Final Provisions

Article 34:

Any provisions contrary to this law shall be abrogated.

This law is adopted by the National Assembly of the
Kingdom of Cambodia.
on.....201... during the..... session of the 4th legislature.

Phnom Penh, dated201....

President of the National Assembly

Samdech Akkah Moha Ponhea Chakrei Dr. Heng Samrin