

Law on Political Parties

english online version



ROYAL KRAM (LAW)

N° CH.S/Roy.kr/1197/07

WE

PREAH BAT SAMDACH PREAH NORODOM SIHANOUK,

KING OF THE KINGDOM OF CAMBODIA

- HAVING SEEN THE CONSTITUTION OF THE KINGDOM OF CAMBODIA.
- HAVING SEEN THE ROYAL-DECREE DATED 01 NOVEMBER 1993, ON THE APPOINTMENT OF ROYAL GOVERNMENT OF CAMBODIA.
- HAVING SEEN THE ROYAL KRAM (LAW) N° 02 NS-94, DATED 20 JULY 1994, ON THE ORGANIZATION AND FUNCTIONING OF THE COUNCIL OF MINISTERS.
- HAVING SEEN THE ROYAL DECREE N° NS-Roy.Decr-1094-90, DATED 31 OCTOBER 1994, ON RECTIFICATION OF COMPOSITION OF THE ROYAL GOVERNMENT OF CAMBODIA.
- HAVING SEEN THE ROYAL-DECREE N° CH. S-Roy. Decr-0897-147, DATED 07 AUGUST 1997, ON RECTIFICATION OF COMPOSITION OF THE ROYAL GOVERNMENT OF CAMBODIA.
- HAVING SEEN THE ROYAL KRAM (LAW) N° NS-Roy. Decr-0196-08, DATED 24 JANUARY 1996, ON ESTABLISHMENT OF THE MINISTRY OF INTERIOR.
- FOLLOWING THE PROPOSAL OF HIS EXCELLENCY THE FIRST PRIME MINISTER AND SAMDECH 2ND PRIME MINISTER AND OF THE CO-MINISTERS OF INTERIOR.

HEREBY PROMULGATE:

The Law on Political Party, which the National Assembly adopted on 28 October 1997, during the 8th Session of its 1st Legislature, which its whole content is as follows:

Law adopted by the 8th NA
Session, on 28 Oct. 1997 and
Promulgated by Royal Kram (Law)
n° 1197/07, dated 18 Nov. 1997

“Unofficial translation”
(by LAU/UNCHR, on 01-12-97)

LAW ON POLITICAL PARTIES

CHAPTER I

GENERAL PROVISIONS

Article 1:

This law has an objective to determine formalities and conditions for the establishment, registration and activities of political parties, in the Kingdom of Cambodia.

Article 2:

A “political party” is a group of persons who have the same ideas and willingness and who voluntarily join together through a contract, to form a permanent and autonomous organization in order to participate in the national political life in accordance with liberal democratic and pluralism regime through free and fair elections as determined by the Constitution of the Kingdom of Cambodia and relevant laws in vigor.

Article 3:

All political parties shall have their central/head offices in Phnom Penh or in a provincial/municipal town of the Kingdom of Cambodia.

Article 4:

All political parties shall be entitled to the same rights, privileges and shall receive equal treatment from the Royal Government and authorities of all levels.

Article 5:

Participation as a member of any political party is the free own choice of every Khmer citizen. No person may have right to compel anybody to join any political party.

No person shall be deprived of his/her rights from exercising the civil rights, political rights or professional rights, on the grounds that he/she is or is not a member of any political party which is legitimately established.

Article 6:

All political parties shall not be allowed to conduct any of the activities as follows:

- 1- Make up an autonomous zone which may harm to the national unity and territorial integrity;
- 2- Conduct of subversive actions against the liberal democratic and pluralism regime by the use of violent means in a purpose of seizing the power;
- 3- Organizing armed forces.

Article 7:

All political parties shall not be subordinated to or under command or order of any foreign political party or any foreign government.

Article 8:

Registration of political parties shall be the competence of the Ministry of Interior.

CHAPTER II

ESTABLISHMENT OF POLITICAL PARTIES

Article 9:

Khmer citizens of at least 80 persons of 18 years old or more and who have permanent residences in the Kingdom of Cambodia, may have right to form a political party by filing only a letter of notice with the Ministry of Interior. The Ministry of Interior must response in writing within a period of fifteen (15) days, stating that this above letter of notice has been received. If over this above specified period of 15 days, shall be considered that this letter of notice has been already received.

A political party which has just been formed, shall organize a vote to elect a provisional committee which consists if at least 7 member whose ages are at least 25 years old, for preparing formalities and fulfilling conditions to apply for registration in political party register as determined in the Chapter V of this Law, in order to obtain the validity.

During this above period, even if the political party has yet not obtained validity, but still it may be allowed to raise up a signboard at its office.

Article 10:

Each political party shall establish a Statute (By-law) and main policies in writing, in which shall contain at least the following important points:

a- In the by-laws shall include:

- 1) name in full writing, in abbreviation and symbol;
- 2) address of the head /central office;
- 3) date of formation of the political party. This date shall not overlap the national or international feast days.
- 4) rules regarding admission and expulsion of members;
- 5) rights and duties of members;
- 6) organizational structure at the national level and at the local levels successively below it (the political party);

- 7) competence of various organizations of the political party;
 - 8) method for selection and removal from function of members of the governing body.
 - 9) schedule for the ordinary sessions of various organizations of the political party;
 - 10) number of members necessary required for a meeting of various organizations of the political party, in order to make it valid (Quorum).
 - 11) finance and assets of the political party.
 - 12) rules regarding the dissolution of a political party and liquidation of its assets after dissolution.
 - 13) rules regarding the amendment of the Party's by-laws.
- b- In main policies and political platform shall state of the aims and objectives of the political parties.

Article 11:

All political parties shall have its name and symbol/logo as determined bellows:

- 1) name in full writing or in abbreviation and symbol/logo of a political party must be clearly distinguished from which of the already existing political parties;
- 2) name of a newly formed political party shall not be given by ways of making a slight rectification on a name of other political parties;
- 3) symbol/logo of a political party shall not be copied or taken from a national symbol or picture representing religion, Angkor Watt temple or photo or picture of all Khmer kings.

CHAPTER III

MEMBERSHIP

Article 12:

Khmer citizen at least 18 years old and who have civil right may join as members in a political party.

Article 13:

Membership in a political party shall be voluntary. A member of a political party may resign at any time, without requiring of indicating the reason.

Article 14:

Member of a political party have the same rights and obligations as stated in the Statutes (By-laws) of such political party.

Article 15:

A Khmer citizen may not be a member of more than one political party at the same time. In case when a person had joined as member in many political parties simultaneously, membership in the last political party shall be

considered as valid.

Religious priests, members of judiciary, members of the Royal Cambodian Armed Forces (RCAF) and National Police Forces may join as members of political parties, but they must not conduct any activity for supporting or opposing any political party. A political party must not organize its organizational structure inside the religious bodies, Royal Cambodian Armed Forces and in National Police Forces.

Article 16:

A member of a political party shall lose his/her membership under one of the following cases:

- 1) when after resignation or abandonment of his/her membership of the political party;
- 2) when after dismissal from the political party in conformity with the by-laws of the concerned political party.

CHAPTER IV

VARIOUS ORGANIZATION OF A POLITICAL PARTY

Article 17:

Leading bodies of each political party shall at least consist of as hereunder:

- A General Assembly or Congress or equivalent,
- A National Council or Central Committee or equivalent,
- A Governing Body or Permanent/Standing Committee or equivalent,
- A Committee of Arbitrator or Control Committee or Committee for Dispute

Resolution or equivalent

Names of the above leading bodies of all levels of a political party may be altered, depending upon what determined by respective Statutes (By-laws) of each political party.

Article 18:

Mandate, duties, organization and functioning of the leading bodies of each political party as determined in the article 17 of this law and of various bodies of the political party, shall be determined in its Statutes.

CHAPTER V

REGISTRATION OF POLITICAL PARTIES

Article 19:

In order to obtain validity as stated in the paragraph 2 of the article 9 of this law, a political party shall apply for registration in the political party register, for which the political party must have at least 4,000 members who are from a number of provinces/municipalities.

Article 20:

Political parties shall fulfill the following formalities:

- 1- An application for registration, with signature of the president of the political party.
- 2- Name written in full and in abbreviation, and symbol of the political party.
- 3- Address of the Head/Central office of the political party.
- 4- 2 originals of the political party's Statutes (By-laws).
- 5- An International Rules of the political party, if any.
- 6- Party's main policies and political platform.
- 7- Statement of the political party regarding its commitment in the respect for the Constitution, Law on political parties and other provisions in force, liberal democracy multi-party principles and Human Rights.
- 8- Name list in which also mentioned of the ages, addresses, with thumb prints of the 4,000 members and with serial numbers of political party's membership cards and dates of joining as members of political party.
- 9- Summary of personal history of the President or of at least 3 founding members of the political party, of one copy each and with a (4x6) photo attached.
- 10- Statement of the bank accounts by the bank in the Kingdom of Cambodia which is recognized by the National Bank of Cambodia.
- 11- A copy of the receipt of payment of the registration fees. The rates of this above registration fees shall be determined by an Inter-Ministerial Proclamation (Prakas) of the Ministry of Interior and Ministry of Economy and Finance.

Article 21:

A receipt of reception of application shall be issued by the Ministry of Interior to the concerned political party which has fulfilled sufficient formalities as determined under article 20 of this law.

Article 22:

The Ministry of Interior shall proceed to examine on the content of enclosed documents of the political party

after the date of issuance of a receipt of reception of application as stated in the article 21 of this law.

Within a period thirty (30) days, the Ministry of Interior shall make up a decision of whether it gives approval or disapproval on the registration of such political party.

Article 23:

In case if after finding that the enclosed documents of any political party is sufficient and appropriately in conformity with the Constitution, Law on Political Parties and other laws in vigor of the Kingdom of Cambodia, the Ministry of Interior shall send a letter of response to the concerned political party to notify it on the approval for registration, with a copy of Statutes (by-laws) attached, on which inscribed the registration date of the political party signature and seal of the Ministry of Interior.

Article 24:

In case when upon finding that documents of any political party is not sufficient and not correctly in conformity with the Constitution, Law on Political Party and other laws in vigor of the Kingdom of Cambodia, the Ministry of Interior shall send a notice in writing to the concerned political party. That political party shall provide additional pieces of documents to fill up the formalities in compliance with the letter of notice of the Ministry of Interior, within 15 days from the reception of this letter. If fails to provide additional documents within this period of 15 days, the Ministry of Interior shall send a letter of disapproval from registration to the concerned political party.

Article 25:

A political party which the Ministry of Interior has given a letter of notice of disapproval from registering as in the article 24 of this law, may have right to file an action with the Constitutional Council.

The Constitutional Council shall take decision on such action within 30 days, from the day of receiving the complaint of such concerned political party.

After receiving decision of the Constitutional Council which decided that the documents provided by the political party are appropriation, the Ministry of Interior shall proceed to register such political party immediately in the political party register as stated under the article 23 of this law.

Article 26:

A registered political party may change its name or alter its main policies and political platform or may make an amendment on its by-laws in accordance with the political party's Statutes (by-laws). In this case, the concerned political party must notify in writing to the Ministry of Interior by enclosing new documents which had already been changed/amended. Especially, with regard to a change of new president of the political party, shall be informed in writing to the Ministry of Interior by enclosing a copy of the brief personal history of that new president with a 4x6 photo attached.

CHAPTER VI

POLITICAL PARTIES' FINANCES

Article 27:

Shall be considered as finances of a political party, those incomes which are from:

- 1- Contributions or fixed levies from members;
- 2- Incomes of the political party which comes from lawful business activities;

- 3- State's budget as stated in the Article 28 of this law;
- 4- Donation from Khmer private enterprises or Khmer generous persons;
- 5- Political party's own assets.

Article 28:

The State could allocate the national budget of equal amounts to all political parties, for a purpose of using only in the campaign for election of Representatives of the people (members of parliament).

Any political party which fails to receive 3% (three percent) of the total of valid ballots of the whole country or which fails to gain one (1) seat in the Parliament, shall, within a period of 3 months from the date of proclamation of the election final result, pay back such above allocated budget in full amount to the State.

Article 29:

Political parties shall be banned from receiving contributions of any form from government's Institutions, associations, NGOs, public enterprises, public establishments, public institutes or foreign firms, except only for the case as stated in the article 28 of this law.

CHAPTER VII

REPORTING AND CONTROLING/INSPECTION

Article 30:

All reports and documents related to the accounting, shall be kept files for at least 7 (seven) years and shall give access for control/inspection in accordance with the political party's Statutes, Internal Rules or decision or of the court or of the competent institution.

Article 31:

Registered political parties shall respectively send reports to the Ministry of Interior and Ministry of Economy and Finance before the 31st of December of every year. The reports shall be signed by the political party's president or treasurer.

This report shall contain the following contents and documents:

- 1- Main activities of the Political Party;
- 2- A balance sheet stating of incomes and expenses for the year by category. Such balance sheet shall be prepared by the political party's accountants;
- 3- Statement of bank accounts of the political party;
- 4- Statement of all the assets, including ownership properties or business outcomes and liabilities of the political party.

Article 32:

The Ministry of Economic and Finance shall be responsible in examining the financial statements specified in

paragraphs 2, 3, 4 of the article 31 of this law.

CHAPTER VIII
DISSOLUTION, MERGER AND ALLIANCE OF THE
POLITICAL PARTIES

Article 33:

A political party may dissolve itself based on decision of the General Assembly in accordance with its by-laws, after having cleared out all debts and liquidated all assets of the party. The political party shall immediately inform in writing to the Ministry of Interior on such dissolution, in order that the latter will eliminate it from the political party register.

Article 34:

No authority may have right dissolve any political party, except only when upon such political party has been declared of bankruptcy by a final judgment or final appeal judgment of the court.

Article 35:

After a political party is declared dissolved in compliance with the article 33 of this law, the liquidation of its remaining assets, shall be done in compliance with a decision of the General Assembly.

Article 36:

A political party may declare to merge itself with another political party as determined in its Statutes (By-laws). In case if this was not stated the Statutes, then the political party shall comply with decision of its General Assembly.

The Ministry of Interior shall eliminate a political party which declared of having merged itself (with another political party) from the political party register, after receiving a notification of such merger.

Article 37:

Political parties may freely form a bilateral or multilateral alliance with each other according to each political party's decision.

Article 38:

Shall be subject to a fine penalty in cash of 3,000,000 (three million) riels for any political party which violates the article 31 of this Law.

In case of repeated offenses, shall be subject to pay in double amount of the above fine and, may in addition, be punishable to temporary cease the activities of such political party.

Article 39:

Shall be subject to a fine penalty in cash from 3,000,000 (three million) to 5,000,000 (five million) riels, for any political party which violates the articles 7 and 29 of this law.

In case of repeated offense, shall be subject to pay in double amount of the above fine and, may in addition, be punishable to temporary cease the activities of such political party.

Article 40:

Shall be penalized to a fine in cash of 1,000,000 (one million) riels, for any person who violates the article 5 and the paragraph 2 of the article 15 of this law.

Article 41:

Shall be subject to a fine penalty in cash from 1,000,000 (one million) to 5,000,000 (Five million) riels and to an imprisonment from 1 (one) month to 1 (one) year, for any person who has committed any of the following:

- 1- Still continuing to govern/direct a political party which the Ministry of Interior had refused to register it in the political party register, or
- 2- Still continuing to govern/direct a political party which the court had already made a final decision to dissolve it, or
- 3- Governing/directing a political party which did not apply for registration in the political party register for a period of over 18 months after the date of election of a provisional commission as stated under article 9 of this law, or
- 4- Still continuing to open its political party's office, even after the court had made a final decision to dissolve or temporary cease the activities of such political party.

Article 42:

For any person who violates the article 6 of this law, shall be subject to punishment in accordance with the Penal Law in force.

CHAPTER X

TRANSITIONAL PROVISIONS

Article 43:

After this Law takes into effects, all political parties which had registered itself in conformity with UNTAC's provisions in 1993, shall file documents as specified in the article 20 of this law with the Ministry of Interior within a period 90 days, with exception of the sub-para.11.

If, failed to file documents within this above specified period, shall be considered as those political parties had abandoned their desires to register themselves in the political party register.

CHAPTER XI

FINAL PROVISIONS

Article 44:

Those provisions which are contrary to this Law shall be hereby repealed.

Article 45:

This Law shall be declared as an urgency./.

MADE IN PHNOM PENH, ON 18 NOVEMBER, 1997
ON BEHALF OF AND FOLLOWING THE ORDER OF HM. THE KING;

THE ACTING HEAD OF STATE;

Signed and sealed by: CHEA SIM

This has been submitted and begged for

Signature from HM. The King.

FIRST PRIME MINISTER, SECOND PRIME MINISTER,

Signature of :

UNG HOUT.

HUN SEN

This is submitted for the knowledges of

HE. The First Prime Minister and Samdech

The Second Prime Minister.

The Co-Ministers of Interior;

Signatures of :

SAR KHENG; YOU HOC KRY.

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