

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 organizations.

CHAPTER 2

Registration of Domestic Associations or Non-Governmental Organizations

Article 5:

Domestic association establishment must have at least five (5) founding members whose age is from eighteen (18) and never have position as leadership of any association or domestic non-governmental organization which had been deleted from registration.

Domestic non-governmental organization establishment must have at least five (5) founding members whose age is from eighteen (18) and never have position as leadership of any association or domestic non-governmental organization which had been deleted from registration.

Article 6:

Domestic association or non-governmental organization must register with Ministry of Interior by fulfill documents as below:

- 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;
- Profiles of each founding member with a recent 4x6 size photograph, two (02) copies.
- A statute signed by the president of a domestic association or non-governmental organization, two (02) copies;

~~In a necessity case, the Ministry of Interior can issue additional notifications related to form and procedure of application.~~

Article 7:

The statute of domestic associations or non-governmental organizations must in conformity with the Constitution and other existing laws:

- 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 resources and properties management;
- Rules of dissolution and management of resources and properties upon being dissolved.

~~In a necessity case, the Ministry of Interior can issue additional notifications related to contents in byelaws of the Association and Non Governmental Organization.~~

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. 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 late in approving the registration as duration state in paragraph 1 and paragraph 2 above, that domestic association or non-governmental organization is automatically considered as had been registered. In this case, the Ministry of Interior must work on the process of registration for that domestic association and non-governmental organization.

The Ministry of Interior could denied the request for registration, in the event that the domestic association or non-governmental organization aimed and objectives which jeopardize peace, stability and public order or harm the national security, national unity, culture, and traditions of the Cambodian national society.

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:

A 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. The Ministry of Interior must copy registration document to relevant ministries as necessity.

Domestic association and non-governmental organization which is not registered is not allowed conduct any activities in the Kingdom of Cambodia.

Article 10:

Domestic association or non-governmental organization shall notify in writing about its bank account in Cambodia to the Ministry of Interior and Ministry of Economic and Finance within thirty (30) days from the date of registered.

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, or change information of bank account within 15 (fifteen) days at the latest from the date of changes by attaching all the changed documents.

Article 11:

Conditions, forms and procedures of establishment and registration domestic association or non-governmental organization for legal entities and foreigner must state by a declaration of Minister of Ministry of Interior.

CHAPTER 3

Registration of International Associations or Non-Governmental Organizations

Article 12:

Any foreign association or non-governmental organization wishing to implement project in Cambodia must register with Ministry of Foreign Affairs and International Cooperation in the format of Memorandum of Understanding.

Any foreign association or non-governmental organization wishing to implement short project must ask for approval from Ministry of Foreign Affairs and International Cooperation through a local partner.

~~Conditions, forms and procedures of request for approval shall be notified by self-declaration of Ministry of Foreign Affairs and International Cooperation.~~

Article 13:

Any foreign association or non-governmental organization wishing to implement projects in the Kingdom of Cambodia shall submit an application for the signing of a memorandum to the Ministry of Foreign Affairs and International Cooperation by 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;
- Supporting letter of foreign association and non-governmental organization issued by public authority of Kingdom of Cambodia, one (01) copy;
- Budget declaration for implementing the projects of the foreign association or non-governmental organization within at least six (06) months, certified by its permanent office in the foreign country, one (1) copy;
- Pledged letter to provide all account of foreign association and non-governmental organization in any bank in Kingdom of Cambodia, one (01) copy;

~~In a necessity case, the Ministry of Foreign Affairs and International Cooperation can issue additional notifications concerning the forms and procedures of application for Memorandum of Understanding.~~

Article 14:

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 15:

A foreign association or non-governmental organization shall discuss and agree with public authority on projects/programs before submitting an application for a memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation as provided for in point 4, Article 13 of this law.

Article 16:

~~— 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 salary, office equipment, and other expenditures for office functioning shall not exceed 25 percent of the total budget.~~

Article 17:

~~— 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 18:

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.

Article 19:

Foreign association or non-governmental organization that already signed MoU shall notify in writing about its bank account in Cambodia to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economic and Finance within thirty (30) days from the date of signed.

Foreign association or non-governmental organization shall notify in writing to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economic and Finance in case of relocating representative office or country representative or bank account within 15 (fifteen) days from the date of changes or amendment attaching amendment documents and copy for Cambodia Development Council.

CHAPTER 4
Resources and Assets of Associations and Non-Governmental Organizations

Article 20:

Resources and properties of a domestic association 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.

Resources and properties of non-governmental organization include the following:

- 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 21:

Resources and properties 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 22:

An association or non-governmental organization which has registered or signed the memorandum subject to existing taxation law and receive incentives and understanding in accordance with existing laws and regulations.

Article 23:

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 24:

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 law on immigration, labor law and other regulations of the Kingdom of Cambodia.

Article 25:

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 26:

Domestic non-governmental organizations, foreign association or non-governmental organizations must be neutral toward all political parties in the Kingdom of Cambodia.

Article 27:

A domestic association or non-governmental organizations shall submit a copy of its annual reports on activities and budget status to the Ministry of Interior and Ministry of Economic and Finance ~~and Council for Development of Cambodia~~ by the end of February of the following year. In case of receiving financial support from donors, the domestic non-governmental organization shall submit the report by copy from the original document sent to donors within 30 (thirty) days from the date of submission to donors as well as proposal and financial agreement with donors by copying from original document one (01) copy within 30 (thirty) days from the date that donor agreed. This report shall be kept at its office for at least five (5) years.

In necessary case, Ministry of Interior can request for activities and annual financial report of the association.

A foreign association or non-governmental organizations shall submit a copy of its annual reports on activities and finances status to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economic and Finance ~~and Council for Development of Cambodia~~ by copying from the original document sent to donors within 30 (thirty) days from the date of submit to donors as well as proposal and financial agreement with donors by copying from original document one (01) copy within 30 (thirty) days from the date that donor agreed.

In necessary case, Ministry of Economic and Finance or National Audit Authority can check and audit on association and non-governmental organization.

CHAPTER 6

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

Article 28:

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. Prior to suspend its activities, the associations or non-governmental organizations must submit activities and financial report as state in paragraph 1 article 27 of this law.

Prior to dissolution, domestic associations or non-governmental organizations, must clear all obligations according the process and existing regulations.

Article 29:

A foreign 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. Prior to suspend its activities, the associations or non-governmental organizations must submit activities and financial report as state in paragraph 3 article 27 of this law.

Prior to dissolution, foreign associations or non-governmental organizations, must clear all obligations according the process and existing regulations.

Article 30:

For domestic associations and non-governmental organizations, the management of resources and properties which remain from the clearance obligations shall comply with its organization's statutes in accordance with existing law and regulations.

For foreign associations and non-governmental organizations, the management of resources and properties which remain from the clearance obligations shall comply with its organization's statutes in accordance with MoU and donor's agreement.

Article 31:

For domestic associations and non-governmental organizations which had been dissolution by court decision or delete from registration at Ministry of Interior,, the management of resources and properties which remain from the clearance obligations shall comply with court decision.

For foreign associations and non-governmental organizations which the Ministry of Foreign Affairs and International Cooperation terminates the validity of MoU prior expiration, the management of resources and properties which remain from the clearance obligations shall comply with decision of foreign associations and non-governmental organizations that requested to have office representative in the Kingdom of Cambodia.

CHAPTER 7

Administrative Measures

Article 32:

In case an association or a domestic non-governmental organization does not comply with Article 10 or Article 26 or paragraph 1 or paragraph 2 of article 27 of this law, the Ministry of Interior shall issue a written notification by giving at the latest 30 (thirty) days. In case of non-compliance, the Ministry of Interior shall issue a written notification to suspend the activity temporarily at the latest 90 (ninety) days. In case of still refusing to comply, the Ministry of Interior shall issue a written decision to remove from the registration list.

Association or domestic non-governmental organizations does not comply with its own statues, the Ministry of Interior will issue a written notification or temporary suspend the activity for a maximum 90 (ninety) days. In case of still refusing to comply, the Ministry of Interior shall issue a written decision to remove from the registration list.

The Ministry of Interior could remove any association or domestic non-governmental organization, in the event that their activity aimed and objectives which jeopardize peace, stability and public order or harm the national security, national unity, culture, and traditions of the Cambodian national society, plus other criminal punishment.

Article 33:

Association or domestic non-governmental organizations has the right to appeal to the court for the decision of Ministry of Interior related to denial of registration, suspension of the activity, removal from registration list and fine at the latest 30 (thirty) working days from the date of notified.

Article 34:

Authority must take action immediately on any association or domestic non-governmental organization that conduct activity without registration with Ministry of Interior in accordance with this law. In the case of still conducting activity, the associations or domestic non-governmental organizations will be fined from 5,000,000 (five million) Riel to 10,000,000 (ten million) Riel by Ministry of Interior. In the case of refusing to stop and still conducting activity, authority must appeal to the court in order to take legal action, plus other criminal punishment.

The paragraph 1 above also apply to associations or domestic non-governmental organizations that the Ministry of Interior removed from registration list or suspend the activity, but still conduct any activity in the Kingdom of Cambodia.

Article 35:

In case an association or a foreign non-governmental organization does not comply with Article 19 or Article 26 or paragraph 3 of article 27 of this law, the Ministry of Foreign Affairs and International Cooperation shall issue a written notification by giving at the latest 30 (thirty) days. In case of non-compliance, the Ministry of Foreign Affairs and International Cooperation shall issue a written notification to terminate the validity of MoU.

Article 36:

Authority must take action immediately on any association or foreign non-governmental organization that conduct activity without registration or had been terminate validity of its MoU by Ministry of Foreign Affairs and International Cooperation. Addition action related to eviction from the country in accordance with immigration law could be taken for any foreigner that serves in the association or foreign non-governmental organizations that does not comply with above sentence, plus other criminal punishment.

Article 37:

The Ministry of Foreign Affairs and International Cooperation could terminate validity of MoU, in case that any associations or foreign non-governmental organizations does not comply with the MoU signed with Ministry of Foreign Affairs and International Cooperation or in case that the associations or foreign non-governmental organizations conduct activity which jeopardize peace, stability and public order or harm the national security, national unity, culture, and traditions of the Cambodian national society, plus other criminal punishment.

Article 38:

Any associations or non-governmental organizations that its activity jeopardize peace or involve with money laundering, terrorist financing or terrorist crime or other criminal crimes will be punish in accordance with existing criminal law of the Kingdom of Cambodia.

**CHAPTER 8
Transitional Provisions**

Article 39:

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 considered as had been registered and automatically accepted as legal entities according to this law.

Article 40:

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 shall considered as had been registered and retains continued validity of its memorandum.

CHAPTER 9
Final Provisions

Article 41:

Any provisions contrary to this law shall be abrogated.