KINGDOM OF CAMBODIA
NATION RELIGION KING

THE ROYAL GOVERNMENT
First Draft

LAW
ON
ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

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CHAPTER 1
General Provisions

Article 1: Aim

This law aims to set out formalities and conditions for forming, registering and operating associations, domestic non-governmental organizations and foreign non-governmental organizations in the Kingdom of Cambodia.

Article 2: Purposes

The purposes of this law are:
- to promote the practice of rights and the freedoms of Khmer citizens in forming associations and domestic non-governmental organizations in order to jointly and lawfully protect personal and public interest.
- to provide the opportunity for foreign non-governmental organizations to join with Royal Government of Cambodia in implementing aid projects and programs
- to encourage the cooperation with Royal Government in the development of Cambodian Society.

Article 3: Scope

This law has a scope of application to associations, domestic non-governmental organizations which are registered, and foreign non-governmental organizations which have a memorandum signed in the Kingdom of Cambodia in compliance with this law.

Article 4: Definitions

For the purpose of this law:
- An association refers to a group of Khmer national physical persons who agree to establish, to consider its members' interests or public interests without operating any activity to generate profits for sharing among its members.
- A domestic non-governmental organization refers to a group of Khmer national physical persons, who agree to establish to take action for serving public interests without operating any activity to generate profits for sharing among its members.
- Alliances of associations or domestic non-governmental organizations refers to lawful associations or domestic non-governmental organizations gathering together for a
common purpose, operating to serve public interests without sharing profits among their members.

- A foreign non-governmental organization refers to a group of foreign national physical persons, established under foreign law to take action for serving public interests in the Kingdom of Cambodia, without operating any activity to generate profits for sharing among its members.

- The term non-governmental organizations refer to domestic non-governmental organizations and foreign non-governmental organizations.

Article 5: Formation of Legal Entities

For the purpose of this law:

- An association, domestic non-governmental organization and alliance of associations or domestic non-governmental organization is a not-profit legal entity.

- A foreign non-governmental organization is a foreign legal entity.

Legal entities shall comply with the Constitution and other laws in force in the Kingdom of Cambodia.

Article 6: Prohibiting Provisions

An association and non-governmental organization or alliance of associations or domestic non-governmental organizations which are not registered or do not have a memorandum signed in accordance with this law shall not be allowed to operate any activity in the Kingdom of Cambodia.

CHAPTER 2
Registration of Associations and Domestic Non-Governmental Organizations

Article 7: Authorities for Registration

The Ministry of Interior is responsible for registering associations and domestic non-governmental organizations.

Article 8: Conditions of Formation of Association

To form an association, there shall be at least twenty-one (21) Cambodian national founders as members.

These members shall choose at least seven (07) leaders for preparing formalities and fulfilling the requirements for registering.

Article 9: Conditions of Formation of Domestic Non-Governmental Organization

To form a domestic non-governmental organization, there shall be at least three (03) Cambodian national initiators.

These members shall choose a person as a head (president) for preparing formalities and fulfilling the requirements for registration.
Article 10: Charter of an Association and Domestic Non-Governmental Organization

The leaders of associations or domestic non-governmental organizations shall prepare their own charters.

The charters of associations and domestic non-governmental organizations shall comply with the Constitution and other laws in force of the Kingdom of Cambodia.

The charters of associations and domestic non-governmental shall include the following substantial elements:

- Name written in full form and abbreviation and logo;
- Purpose and objective;
- Methods for selecting, terminating, dismissing, transferring and removing members, staff, directors and leaders;
- Rights and duties of members or staff;
- Structure, mandate, role, duty, establishment and functioning of the governing bodies;
- Governing bodies including general assembly, board of directors, committee of directors, executive committee or other equivalent bodies;
- Rules of ordinary and extraordinary meetings of the governing bodies;
- Sources of resources and properties;
- Rules of resource and property management;
- Rules for changing the organization’s name and logo and revising or amending the organizational charter;
- Rules of dissolution and distribution of resources and properties upon being dissolved.

Article 11: Use of Names and Logos by Associations or Domestic Non-Governmental Organizations

An association or domestic non-governmental organization shall determine its name and logo as follows:

- Name shall have a meaning in Khmer.
- Logo shall not copy the logo of national institutions or symbols of the Red Cross or Red Crescent or other international institutions.
- The name in full form and the logo of a newly created association or domestic non-governmental organization shall not duplicate those of domestic associations or non-governmental organizations already registered.

Article 12: Offices

An association and domestic non-governmental organization shall have a central office in the Kingdom of Cambodia.

Article 13: Determination of Excise Fees for Registration

The fee for registering an association or a domestic non-governmental organization shall be determined by an Inter-Ministerial Proclamation co-signed by Minister of Interior and Minister of Economy and Finance.

Article 14: Documents for Registering an Association

The head of an association shall submit the application for registration at Ministry of Interior attaching the following documents:

- An application signed by the head of the association, two (02) copies;
Article 15: Documents for Registering a Domestic Non-Governmental Organization

The head of a domestic non-governmental organization shall submit the application for registration at Ministry of Interior attaching the following documents:
- An application signed by the head of the domestic non-governmental organization, two (02) copies;
- A letter stating the address of the central office of the domestic non-governmental organization, recognized by the Commune or District Chief, one (01) copy;
- A charter, signed by the head of the domestic non-governmental organization, two (02) copies;
- Profiles of the leaders of the domestic non-governmental organization, at least seven (07) people with a recent 4x6 size photograph, two (02) copies each;
- A receipt for the registration excise fee for associations, one (01) copy.

Article 16: Receipt of the Application for Registration of an Association or Domestic Non-Governmental Organization

The Ministry of Interior shall issue one (01) copy of a receipt of registration application to any association or domestic non-governmental organization that has filed sufficient documents as set forth in Article 12 and/or Article 13 of this law.

Article 17: Examination of the Application and Response

The Ministry of Interior shall examine the documents and the legality of the charter of the domestic association or non-governmental organization, and shall decide whether to agree or disagree to register within a maximum of forty-five (45) working days.

Article 18: Rectification on the Contents and Response

The Ministry of Interior shall issue a written notification letter clearly stating the reasons to any concerned association or domestic non-governmental organization whose content in the application form is not consistent with the Constitution or other laws in force, and request that it be rectified within a maximum of forty-five (45) days.

If the inappropriate contents or defects in the domestic association or non-governmental organization’s application for registration are found to have been corrected, the Ministry of Interior shall register that association or domestic non-governmental organization within a maximum of fifteen (15) working days after the date of receiving the rectified documents.
Article 19: Date of Creation of Legal Entities

An association will become a not-profit legal entity on the day that Ministry of Interior issues its decision for registration.

A domestic non-governmental organization will become a legal entity to serve public interests on the day that Ministry of Interior issue its decision for registration.

CHAPTER 3
The Registration of Alliances of Associations or Domestic Non-Governmental Organizations

Article 20: Authorities for Registration

The Ministry of Interior is responsible for registering alliances of associations or domestic non-governmental organizations.

Article 21: Conditions for Formation of Alliances of Associations or Domestic Non-Governmental Organizations

To form an alliance of associations or domestic non-governmental organizations, there shall be at least two (2) members who are the founders of lawful associations or non-governmental organizations.

These members shall choose a head of the alliance for preparing formalities and fulfilling the conditions for registering.

Article 22: Determination of Excise Fees for Registration

The fee for registering an alliance of associations or domestic non-governmental organizations shall be determined by an Inter-Ministerial Proclamation co-signed by Minister of Interior and Minister of Economy and Finance.

Article 23: Documents for Registering an Alliance of Associations or Domestic Non-Governmental Organizations

The head of an alliance of associations or domestic non-governmental organizations shall submit the application for registration at the Ministry of Interior attaching with following documents:
- An application for registration signed by the head of the alliance of association or domestic non-governmental organization, two (02) copies;
- A decision for registration of the associations or domestic non-governmental organizations which are the members of the alliance, one (01) copy;
- A letter stating the address of the central office of the alliance of associations or domestic non-governmental organizations recognized by the Commune or District Chief, one (01) copy;
- A common charter, signed by the head of the alliance of association or the domestic non-governmental organizations, two (02) copies;
- Profiles of the leaders of the alliance of associations and domestic non-governmental organizations; two (02) copies each with a recent 4x6 size photograph,
- A receipt for the registration excise fee for alliances of associations or domestic non-governmental organizations, one (01) copy;
- A letter disclosing fund deposited in any bank recognized by National Bank of Cambodia, one (01) copy.

Article 24: Date of Creation of Legal Entities

An alliance of associations or domestic non-governmental organizations will become a not-profit legal entity on the day that Ministry of Interior issues its decision for registration.

Article 25: Use of Names and Logos by Alliance of Associations or Domestic Non-Governmental Organizations

Alliances of associations or domestic non-governmental organizations shall use the name “alliance” in the front and shall abide by Article 11 of this law.

Article 26: Compliance of Alliances of Associations or Domestic Non-Governmental Organizations

Alliances of associations or domestic non-governmental organizations already registered at the Ministry of Interior shall abide by the same provisions in this law governing associations and domestic non-governmental organizations.

Article 27: Collaboration Between Associations and Domestic Non-Governmental Organizations

Lawful associations and domestic non-governmental organizations may collaborate to implement a lawful project in accordance with the decision of the associations or domestic non-governmental organizations, by merely giving notification in writing to Ministry of Interior and attaching:
- Any agreement or equivalent document or condition of cooperation;
- The number and names of associations or domestic non-governmental organizations affiliated.

CHAPTER 4
Signing Memorandum of Foreign Non-Governmental Organizations

Article 28: Authorities for Memorandum Signing

The Ministry of Foreign Affairs and International Cooperation is responsible for signing memorandums with foreign non-governmental organizations.

Article 29: Representative Offices

- A foreign non-governmental organization shall have a representative office in the Kingdom of Cambodia.

Article 30: Documents for Requesting a Memorandum Agreement to Be Submitted by Foreign Non-Governmental Organizations
A foreign non-governmental organization wishing to operate aid projects or programs in the Kingdom of Cambodia shall submit a request for a memorandum agreement to the Ministry of Foreign Affairs and International Cooperation by enclosing the following documents:

- A letter of request to open a representative office in the Kingdom of Cambodia, detailing its purposes, signed by the head of the concerned foreign non-governmental organization, of which the permanent head office is located in a foreign country, one (01) copy;
- A letter from the head of foreign non-governmental organization, enclosing the profile of the nominated individual to be appointed as the representative of the organization in the Kingdom of Cambodia, one (01) copy;
- A letter mentioning the budget equivalent for implementing the aid projects or programs of the foreign non-governmental organization during at least a one-year period, one (01) copy.
- A permit for running the organization issued by the responsible authority of the home country where the NGO is permanently situated, one (01) copy,
- A letter disclosing the funds deposited in any bank recognized by National Bank of Cambodia for implementing aid projects or programs of the foreign non-governmental organization, one (01) copy;
- A letter supporting aid projects or programs of the foreign non-governmental organization issued by one or more ministries or governmental institutions in the Kingdom of Cambodia, one (01) copy;
- A name list of Khmer and foreign staff who work in the Kingdom of Cambodia, one (01) copy.

**Article 31: Receipt of Memorandum Request**

The Ministry of Foreign Affairs and International Cooperation shall issue one (01) copy of a receipt of memorandum request to any foreign non-governmental organization that has filed sufficient documents as set forth in Article 30 of this law.

**Article 32: Examination on the Contents of the Documents and Response**

The Ministry of Foreign Affairs and International Cooperation shall examine the contents of the filed documents and shall decide whether to approve or disapprove the memorandum signing of a foreign non-governmental organization within a maximum of forty-five (45) working days.

**Article 33: Aid Projects or Programs Agreement with Counterpart Ministries or Institutions**

A foreign non-governmental organization shall enter into an aid project or program agreement with the leadership of the counterpart ministries or governmental institutions before applying for Memorandum of Understanding with Ministry of Foreign Affairs and International Cooperation as prescribed in point 6, Article 30 of this law.
Article 34: Preparation and Signing of the Memorandum

Upon the decision to approve the signing of the memorandum, the Ministry of Foreign Affairs and International Cooperation shall set a date and venue for signing the memorandum with the concerned foreign non-governmental organization, and shall sign the memorandum of understanding with the representative of the foreign non-governmental organization so that the organization may implement its aid projects or programs pursuant to the law of the Kingdom of Cambodia. After signing a memorandum with the Ministry of Foreign Affairs and International Cooperation, the foreign non-governmental organization shall declare its aid projects or programs agreement to the Cambodian Development Council.

Article 35: Date of Creation of Legal Entities

A foreign non-governmental organization will become a legal entity on the day that the Ministry of Foreign Affairs and International Cooperation decides to sign the memorandum.

For the purpose of this law, a foreign non-governmental organization will receive the legal status as a foreign legal entity, only if that foreign non-governmental organization has its central office in a foreign country and is recognized by the law of that country.

Article 36: Collaboration Between Foreign Non-Governmental Organizations and Relevant Ministries, Institutions or Authorities

A foreign non-governmental organization shall collaborate with relevant ministries or institutions of the Royal Government of Cambodia when preparing project plans, implementing, monitoring, aggregating and evaluating the result of implemented activities.

If aid projects or programs take place in the capital city of Phnom Penh or other provinces in the Kingdom of Cambodia, a foreign non-governmental organization shall inform the respective municipal or provincial offices and its partner ministries or governmental institutions in order for them to prepare for the collaboration.

Article 37: Initial Validity of a Memorandum and Request for Extension

A memorandum of understanding shall be initially valid for a minimum one (01) year period and maximum three (03) year period in accordance with the organization’s aid projects or programs, and the validity of a memorandum between the Royal Government and a foreign non-governmental organization may be extended upon a request made by the foreign non-governmental organization.

A foreign non-governmental organization shall file a request to extend the validity of its memorandum a minimum of ninety (90) days prior to the expiration date of the memorandum, attached with it a supporting letter from partner ministries or governmental institutions. In case a foreign non-governmental organization fails to file a request for a memorandum extension in due time, the foreign non-governmental organization shall inform the Ministry of Foreign Affairs and International Cooperation by indicating the reasons for the lateness of the request a minimum of thirty (30) days prior to the expiration date of the memorandum.
CHAPTER 5
Resources and Properties of Associations and Non-Governmental Organizations

Article 38: Resources and Properties of Associations or Domestic Non-Governmental Organizations

Resources and properties of an association or non-governmental organization include the following:
- Charitable gifts or contributions or subscription fees of members;
- The resources and properties of the association or non-governmental organization;
- Legitimate gifts from individual persons or legal entities;
- Other incomes generated from legitimate activities.

Article 39: Resources, Properties and Budget of Foreign Non-Governmental Organizations for Aid Projects or Programs Implementation

Resources and properties of a foreign non-governmental organization shall derive from legitimate sources.
A foreign non-governmental organization shall have a sufficient budget to implement its aid projects or programs in the Kingdom of Cambodia, and shall assure that the expense for administrative purposes will not exceed 25 percent of total budget.

CHAPTER 6
Rights and Interests

Article 40: Rights as a Legal Entity of Associations and Non-Governmental Organizations

A lawful association or non-governmental organization has the right:
- To receive financial contributions or in kind donations from legitimate sources;
- To open bank accounts under the association’s or non-governmental organization’s name in any bank recognized by the National Bank of Cambodia;
- To recruit members, staff and workers;
- To rent lands or buildings for implementing projects, programs or activities;
- To sign various contracts for implementing the projects, programs or activities of the association or non-governmental organization aimed at serving public interests;
- To disseminate its information or activities by legitimate means;
- To become the owner of immovable properties as allowed by law.

Article 41: Recruitment of Staff and Workers by Associations or Non-Governmental Organizations

An association or non-governmental organization shall employ Cambodian members, staff or workers to the maximum extent possible. Recruitment of staff or workers in an association or non-governmental organization shall comply with the laws of the Kingdom of Cambodia. The number of staff or workers shall be proportionate to the plan projects or programs.
Article 42: Rights and Interests of Non-Governmental Organizations

A lawful association or non-governmental organization which is operating its activities in the Kingdom of Cambodia may request to import necessary materials, equipment, machinery for use in accordance with its plan projects and programs, with import taxes and duties being the state’s burden and according to the decision of Royal Government.

Article 43: Field Offices or Activity Implementation of Associations and Non-Governmental Organizations

A lawful association or non-governmental organization may open branch offices or conduct activities in the capital of Phnom Penh or the provinces of the Kingdom of Cambodia. In such a case, the associations or non-governmental organizations shall inform in writing the relevant municipal hall or provincial halls by enclosing copied documents, such as its registration decision and organizational charter, and aid project or programs agreement and memorandum. Relevant municipal and provincial halls shall facilitate working performance of concerned associations or non-governmental organizations as a partnership.

Article 44: Changing of Names and Logos, Amendment of Organizational Charter, Moving of Offices; Rotation, Termination, Dismissal or Removal of Staff, Members, Presidents or Leaders of Associations or Non-Governmental Organizations

A lawful association or non-governmental organization may change its name, amend its organizational charter, move its offices, rotate or terminate or dismiss or remove its staff, members, president or leaders in accordance with the charters, internal regulations and laws in force. In this case, the association or non-governmental organization shall inform in writing the Ministry of Interior or the Ministry of Foreign Affairs and International Cooperation by enclosing the new documents.

Article 45: Immunity and Privilege of a Foreign Non-Governmental Organization’s Representative Offices, Expatriate and Khmer Staff and Their Family Members

Foreign non-governmental organizations’ representative offices, foreign and local staff and their family members do not get immunity and privileges bestowed to diplomats as provided in the Vienna Convention on Diplomatic Relation of 1963, except where there is a special agreement between the Royal Government of Cambodia and the foreign non-governmental organization.

Foreign and Cambodian staff of foreign non-governmental organizations do not have immunity from judicial actions against their job-related acts or all other types of litigations.

CHAPTER 7
Obligations of Associations and Non-Governmental Organizations

Article 46: Annual Reports of Associations or Domestic Non-Governmental Organizations or Alliances of Associations and Domestic Non-Governmental Organization

Lawful domestic associations or non-governmental organizations or alliances of associations or domestic non-governmental organizations shall generate reports on activities, the status of their budget in the previous year, and action plan for the next year to file in its
office and submit to the Ministry of Interior or Ministry of Foreign Affairs and International Cooperation and the Ministry of Economic and Finance and other relevant ministries not after the end of January.

Article 47: Archive of Annual Reports of Associations or Non-Governmental Organizations or Alliances of Associations or Domestic Non-Governmental Organizations

Annual reports of associations or non-governmental organizations or alliances of associations or domestic non-governmental organizations shall be archived for the period of five (05) years for competent institutions to examine.

Article 48: Competency to Examine Financial Reports and Properties of Non-Governmental Organizations and Alliances of Association and Domestic Non-Governmental Organizations

The Ministry of Economy and Finance or the National Audit Authority has the right to examine the financial status reports and properties of any association or non-governmental organization or alliances of associations or domestic non-governmental organizations.

CHAPTER 8
Activity Postponement, Dissolution, MOU Termination, Name Removal and Distribution of Resources and Properties

Article 49: Activity Postponement or Dissolution of the Association or Domestic Non-Governmental Organization or Alliance of Associations or Domestic Non-Governmental Organizations

An association or domestic non-governmental organization or alliance of associations or domestic non-governmental organizations may postpone its activities or dissolve in accordance with the determination of its own charter, and shall notify in writing to the Ministry of Interior.

In case an association or domestic non-governmental organization or alliance of associations or domestic non-governmental organizations is postponed or dissolved by the final court judgment, all relevant competent institutions shall enforce this decision.

Article 50: Activity Postponement or Memorandum Termination of Foreign Non-Governmental Organizations

A foreign non-governmental organization may make a request to postpone or terminate its memorandum by submitting its request to the Ministry of Foreign Affairs and International Cooperation, with duplicates to all relevant ministries.

In case a foreign non-governmental organization is postponed or has its memorandum terminated by the court’s judgment, all relevant competent institutions shall enforce this decision.
Article 51: Distribution of Resources and Properties in Case of Spontaneous Dissolution or Memorandum Termination

For the association or domestic non-governmental organization or alliance of associations or domestic non-governmental organizations having voluntarily dissolved as stated in Paragraph 1, Article 49 of this law, or for the foreign non-governmental organization which the memorandum was allowed to terminate as stated in Paragraph 1, Article 50 of this law, the distribution of resources and properties shall be conducted in accordance with the charters or memorandum or decisions of that association and non-governmental organization or alliance of associations or domestic non-governmental organizations.

Article 52: Distribution of Resources and Properties in Case of Dissolution or Memorandum Termination Through the Court’s Final Judgment

For an association or a non-governmental organization or alliance of associations or domestic non-governmental organizations which is dissolved or has a memorandum terminated by a court’s final judgment, resources and properties shall be distributed accordance with the final court’s judgment.

CHAPTER 9

Procedures To Deal With Any Violation and Penalties

Article 53: Act of Violation of Article 46

In case a lawful association or a non-governmental organization or alliance of associations or domestic non-governmental organizations does not comply with Article 46 of this law, the Ministry of Interior or Ministry of Foreign Affairs and International Cooperation shall issue a warning in writing.

In case an association or a domestic non-governmental organization or alliance of associations or domestic non-governmental organizations commits the same violation again, the Ministry of Interior shall issue a decision in writing to temporarily postpone its activities for a period from one (01) to three (03) months.

In case a foreign non-governmental organization commits the same violation again, the Ministry of Foreign Affairs and International Cooperation shall issue a decision in writing to postpone its activities and invalidate the memorandum.

Article 54: Act of Violation of Charter or Memorandum

In case a lawful association or a non-governmental organization or alliance of associations or domestic non-governmental organizations fails to comply with its charters or memorandum, the Ministry of Interior or Ministry of Foreign Affairs and International Cooperation shall issue a warning in writing to that association or non-governmental organization or alliance of associations or domestic non-governmental organizations.

If it conducts the same violation again or in a serious case, it shall be punished in accordance with the law in force.
CHAPTER 10
Transitional Provisions

Article 55: Re-registration of Associations and Domestic Non-Governmental Organization or Alliances of Associations or Domestic Non-Governmental Organization

Following the entry into force of this law, an association or domestic non-governmental organization or an alliance of associations or domestic non-governmental organizations which has already filed application documents at any state institution shall prepare documents to re-apply, in accordance with the provisions set forth in Chapter 2 and Chapter 3 of this law, within a maximum of one hundred eighty (180) days. Where an organization fail to re-apply new documents within the period mentioned above, its pre-existing registration documents shall be hereby nullified.

Article 56: Continuing Validity of Foreign Non-Governmental Organizations' Memoranda

Following the entry into force of this law, a foreign non-governmental organization which has already signed a memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation shall have its implementation validity sustained.

CHAPTER 11
Final Provisions

Article 57: Abrogation of Provisions Contrary to this Law

Any provision contrary to this law shall be abrogated.

Article 58: Entry into force of the law

This law shall be declared urgent.