DRAFT LAW
ON
ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

CHAPTER 1
General Provisions

Article 1: Aim

This law aims to set out the 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 set out the formalities and conditions for forming, registering and operating domestic and foreign non-governmental organizations in the Kingdom of Cambodia.
- to promote the inalienable practice of rights and the freedoms of Khmer citizens in forming associations and domestic non-governmental organizations and to participate actively in the political, economic, social and cultural life of the nation, as provided by Article 35 of the Constitution of the Kingdom of Cambodia in order to jointly and lawfully protect personal and public interest.
- to provide the opportunity for foreign non-governmental organizations to pursue activities to assist the Royal Government of Cambodia and domestic non-governmental organizations in the development and join with Royal Government of Cambodia in implementing aid projects and programs advancement of the Kingdom of Cambodia and its people.
- to encourage the cooperation with the Royal Government of Cambodia in the development of Cambodian Society.

Article 3: Scope

This law has a scope of application applies both to registered associations, domestic non-governmental organizations which are registered, and to foreign non-governmental organizations which have a memorandum signed in the Kingdom of Cambodia in compliance with this law.
Article 34: Definitions

For the purpose of this law:
- An alliance of domestic non-governmental organizations refers to a group of two or more lawful domestic non-governmental organizations gathering together for a common purpose, conducting their activities without sharing profits among their members.
- A domestic non-governmental organization refers to a group of at least two Khmer nationals physical persons, who agree decide to establish an organization to take action for to serving public interest, address issues of national concern without operating conducting any activity to generate profits for sharing among its members.
- A foreign non-governmental organization refers to a group of at least two foreign nationals physical persons, established under foreign law to take action for serving public interest, address issues of national concern in the Kingdom of Cambodia, without operating conducting any activity to generate profits for sharing among its members.
- The term A non-governmental organizations refers to domestic and foreign non-governmental organizations.

In this law, unless the context otherwise requires, to take action to address issues of national concern includes acts that relate to the relief of poverty, or the advancement of education, religion, health, infrastructure, economic development, environmental protection, the arts, human rights, democracy, or any other matter that is beneficial to the community in question or to the Kingdom of Cambodia as a nation.

Article 45: Formation of Legal Entities

For the purpose of this law:
- An association, domestic non-governmental organization and alliances of associations or domestic non-governmental organization are deemed a not-for-profit legal entities.
- A foreign non-governmental organizations is a foreign legal entities.

Legal entities All non-governmental organizations shall comply with the Constitution of the Kingdom of Cambodia and all other applicable laws currently in force in the Kingdom of Cambodia.

Article 56: Prohibiting Provisions

An association and non-governmental organizations 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 67: Authorities for Registration

The Ministry of Interior is responsible for registering associations and domestic non-governmental organizations and shall collate all registration records and documents in an easily accessible central public register of all registered 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 79: Conditions of Formation of Domestic Non-Governmental Organization

To form a domestic non-governmental organization, there shall be at least three-two (203) Cambodian national initiators as members. One of these members shall choose a person as a head (president) for preparing the formalities and fulfilling the requirements for registration. One of these members shall be elected head of the domestic non-governmental organization.

Article 810: Charter of an Association and a 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 of the Kingdom of Cambodia and all other applicable laws currently in force of the Kingdom of Cambodia. The charters of associations and domestic non-governmental organizations 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 for revising or amending the organizational charter; and
- Rules of dissolution and distribution of resources and properties upon being dissolved.
Article 911: Use of Names and Logos by Associations or Domestic Non-Governmental Organizations

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

- The name shall have a meaning in Khmer alternative if not already in Khmer.
- The logo shall not copy the logo of national institutions or the symbols of the Red Cross or Red Crescent or of 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 102: Offices

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

Article 113: 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 the Minister of Interior and the Minister of Economy and Finance, and shall be reasonable and sufficient to cover the administrative costs of registration.

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:

- A standard form registration application form signed by the head of the association, two (02) copies;
- A name list of at least twenty-one (21) founders with an identification of their age, sex, nationality and permanent address. Those members shall nominate the leaders of the association, which shall be comprised of at least seven (07) people, for preparing formalities and fulfilling the registration requirements;
- A letter stating the address of the association’s central office, recognized by the Commune or District Chief, one (01) copy;
- A charter signed by the head and all leaders of the association, two (02) copies;
- Profiles of the leaders of the association, 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 125: Documents for Registering a Domestic Non-Governmental Organization

The head of a domestic non-governmental organization shall submit the application for registration at the Ministry of Interior attaching the following documents:

- A standard form registration application form 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 three people with a recent 4x6 size photograph, two copies each;
- A receipt for the registration excise fee for domestic non-governmental organizations, one copy; and
- A letter disclosing funds deposited in any bank recognized by the National Bank of Cambodia, one copy.

**Article 136:** Receipt of the Application for Registration of Domestic Non-Governmental Organization

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

**Article 147:** Examination of the Registration Application and Response

The Ministry of Interior shall examine the documents and the legality of the charter of the domestic non-governmental organization applying for registration, and shall decide whether to agree or disagree to register within a maximum of forty-five (45) working days. If no decision is issued within the stipulated time-frame, registration will automatically be deemed to have been effected.

**Article 158:** Rectification of the Contents and Response

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

If the inappropriate contents or defects in the association's application for registration are found to have been corrected, the Ministry of Interior shall register that association within a maximum of fifteen (15) working days after the date of receiving the rectified documents.

**Article 16:** Rejections of Registration Applications

In the case of any domestic non-governmental organization whose registration application is unsuccessful, the Ministry of Interior shall issue a written notification letter to such domestic non-governmental organization clearly stating the reasons for the rejection. Each registration shall be processed in line with a standard set of criteria.

**Article 17:** Right to Appeal

Any domestic non-governmental organization whose registration application has been rejected shall have the right to appeal the decision to the courts.

**Article 189:** 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 the Ministry of Interior issues its decision for such organization’s registration.

CHAPTER 3

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

Article 1920: Authorities for Registration

The Ministry of Interior is responsible for registering alliances of associations or domestic non-governmental organizations and shall collate all registration records and documents in an easily accessible central public register of all registered alliances of domestic non-governmental organizations.

Article 201: 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) lawful members who are the founder members of lawful domestic associations or non-governmental organizations.

These members shall choose an individual from one of the founder members for preparing formalities and fulfilling the conditions for registering.

Article 212: 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 the Minister of Interior and the Minister of Economy and Finance, and shall be reasonable and sufficient to cover the administrative costs of registration.

Article 223: 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 the following documents:

- A standard form application for registration signed by the head of the alliance of associations or domestic non-governmental organizations, 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 associations 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; and
- A letter disclosing funds deposited in any bank recognized by the National Bank of Cambodia, one (01) copy.

Article 23: Receipt of the Application for Registration of an Alliance of Domestic Non-Governmental Organizations

The Ministry of Interior shall issue one (01) copy of a receipt of registration application to any alliance of domestic non-governmental organizations that has filed sufficient documents as set forth in Article 22 of this law. All records of registration, including documents for registration, shall be collated and made public by way of an easily accessible central register.

Article 24: Examination of the Registration Application and Response

The Ministry of Interior shall examine the documents and the legality of the charter of the alliance of domestic non-governmental organizations applying for registration, and shall decide whether to agree or disagree to register within a maximum of forty-five (45) working days. If no decision is issued within the stipulated time-frame, registration will automatically be deemed to have been effected.

Article 25: Rectification of the Contents and Response

The Ministry of Interior shall issue a written notification letter clearly stating the reasons to any concerned alliance of domestic non-governmental organizations whose application form is not consistent with the Constitution of the Kingdom of Cambodia or all other applicable laws currently in force, and request that it be rectified within a maximum of forty-five (45) working days. If the defects in the application of the alliance of domestic non-governmental organizations in question are found to have been corrected, the Ministry of Interior shall register that alliance of domestic non-governmental organizations a maximum of fifteen (15) working days after the date of receiving the rectified documents.

Article 26: Rejections of Registration Applications

In the case of any alliance of domestic non-governmental organizations whose registration application is unsuccessful, the Ministry of Interior shall issue a written notification letter to such alliance clearly stating the reasons for the rejection. Each registration shall be processed in line with a standard set of criteria.

Article 27: Right to Appeal

Any alliance of domestic non-governmental organizations whose registration application has been rejected shall have the right to appeal the decision to the courts.

Article 284: 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 the Ministry of Interior issues its decision for on such alliance’s registration.
Article 29: 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” on the front of any correspondence, and shall abide by Article 91 of this law.

Article 30: 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 31: Authorities for Memorandum Signing

The Ministry of Foreign Affairs and International Cooperation is responsible for signing memorandums with foreign non-governmental organizations and shall collate all registration records and documents in an easily accessible central public register of all registered foreign non-governmental organizations operating in the Kingdom of Cambodia.

Article 32: 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 standard form registration application form, signed by the head of the foreign non-governmental organization, two (02) copies;
- 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 in question, of which the permanent head office is located in a foreign country, one (01) copy;

- A letter from the head of the foreign non-governmental organization in question, 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 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 of the foreign non-governmental organization deposited in any bank recognized by the National Bank of Cambodia for implementing aid projects or programs of the foreign non-governmental organization, one (01) copy; and

- A list of the names of all management and other key decision-makers, both Khmer and foreign staff who work in the Kingdom of Cambodia, one (01) copy.

Article 341: 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 310 of this law.

Article 352: Examination of the Contents of the Documents and Response

The Ministry of Foreign Affairs and International Cooperation shall examine the contents of the filed documents of the foreign non-governmental organization in question, and shall decide whether to approve or disapprove the memorandum submitted signing of a foreign non-governmental organization within a maximum of forty-five (45) working days. If no decision is issued within the stipulated time-frame, the memorandum will automatically be deemed to have been approved.

Article 36: Rectification of the Contents and Response

The Ministry of Foreign Affairs and International Cooperation shall issue a written notification letter clearly stating the reasons to any foreign non-governmental organizations whose application form is satisfactory and in compliance with the applicable guidelines, and request that it be rectified within a maximum of forty-five (45) working days. If the defects in the memorandum of the foreign non-governmental organizations in question are found to have been corrected, the Ministry of Foreign Affairs and International Cooperation shall register that foreign non-governmental organizations a maximum of fifteen (15) working days after the date of receiving the rectified memorandum.

Article 37: Rejections of Memorandum Applications

In the case of any foreign non-governmental organization whose registration applications is unsuccessful, the Ministry of Foreign Affairs and International Cooperation shall issue a written notification letter to such foreign non-governmental organization clearly
stating the reasons for such rejection. Each memorandum filing shall be processed in line with a standard set of criteria.

**Article 38: Right to Appeal**

Any foreign non-governmental organization whose memorandum application has been rejected, shall have the right to appeal such decision to the courts.

**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 394: 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 in question, 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 operate pursuant to the law of within 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 40: 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 purposes 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 laws 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 4137: 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 of Cambodia and a foreign non-governmental organization may be extended upon a request made by the foreign non-governmental organization in question.

A foreign non-governmental organization shall file a request to extend the validity of its memorandum a minimum of ninety (90) working 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) working days prior to the expiration date of the memorandum.

CHAPTER 5
Resources and Properties of Associations and Non-Governmental Organizations

Article 4238: Resources and Properties of Associations or Domestic Non-Governmental Organizations

Permitted Resources and properties of that may be legitimately owned by an association or a domestic non-governmental organization include the following:
- Charitable gifts or contributions or subscription fees from members;
- The resources and properties of required by the domestic association or non-governmental organization;
- Legitimate gifts from individual persons or legal entities; and
- Other incomes generated from legitimate activities.

Article 4339: 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 be fully transparent and accountable and shall not derive from legitimate illegal sources.

A foreign non-governmental organization shall have a sufficient budget to implement its aid projects or programs, conduct its activities in the Kingdom of Cambodia, and shall ensure that the expense for average administrative purposes—expenses will do not exceed 25 percent of the foreign non-governmental organization’s total budget.

CHAPTER 6
Rights and Interests

Article 440: 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 in kind from legitimate legal 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 its projects, programs or activities of the association or non-governmental organization aimed at serving public interests;
- To disseminate its information or conduct its activities by legitimate means without hindrance; and
- To become the owner of immovable properties as allowed by all applicable laws currently in force.

**Article 451: 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 all applicable laws of the Kingdom of Cambodia currently in force. The number of staff or workers shall be proportionate to the plan projects or programs.

**Article 462: 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 and machinery for use in accordance with its plan projects and program needs, with import taxes and duties being the state’s burden and according to the decision of the Royal Government of Cambodia.

**Article 473: 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, Phnom Penh, and/or the provinces of the Kingdom of Cambodia. In such a case, the associations or non-governmental organization in question shall inform the relevant municipal hall or provincial halls in writing 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 do their utmost to facilitate working performance of concerned associations or non-governmental organizations as a partnership.

**Article 484: 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, terminate, or dismiss or remove its staff, members, president or leaders in accordance with the charters, internal regulations and applicable laws currently in force. In this case of any amendments to the name, organizational charter, offices or president or leaders, the association or non-governmental organization shall inform the Ministry of Interior or the Ministry of Foreign Affairs and International Cooperation (as applicable) in writing and shall by enclosure all relevant new documents, All relevant new documents shall be made publicly available through the central register at the Ministry of Interior or the Ministry of Foreign Affairs and International Cooperation, as applicable.
Article 4945: 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 shall not get benefit from the immunity and privileges bestowed to diplomats as provided in the Vienna Convention on Diplomatic Relations of 1961, except where there is a specific agreement in place between the Royal Government of Cambodia and the foreign non-governmental organization in question. 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 5046: Annual Financial 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 annual financial reports detailing their financial statements for the past year, the current status of their budget, and action projected financial plan statements for the next year to file in their offices and submit to the Ministry of Interior or Ministry of Foreign Affairs and International Cooperation (as applicable) and the Ministry of Economic and Finance and other relevant ministries not after the end of January of each year. All annual financial reports submitted shall be made available to the public by way of an easily accessible central register.

Article 5147: Archive of Annual Financial Reports of Associations or Non-Governmental Organizations or Alliances of Associations or Domestic Non-Governmental Organizations

Annual financial 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 5248: 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 only after securing a court order for such an action. The relevant authority must notify the non-governmental organization (or alliance of domestic non-governmental organizations) in question in writing of its reasons for requiring such an inspection or examination.
CHAPTER 8
Activity Postponement, Dissolution, MOU Termination of Memorandum, Name Removal and Distribution of Resources and Properties

Article 5349: Activity Postponement/Suspension 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/suspend its activities or dissolve itself in accordance with the determination of its own charter, and shall notify in writing to the Ministry of Interior in writing.

In case the event that an association or domestic non-governmental organization or alliance of associations or domestic non-governmental organizations is postponed/suspended or dissolved by the final court judgment/order, all relevant competent institutions shall enforce this decision. The grounds for suspending or dissolving a domestic non-governmental organization or alliance of domestic non-governmental organizations must be set out in full and limited to persistent violations of applicable criminal legislation currently in force. The organization in question shall be notified in writing of the reasons for such decision. Any domestic non-governmental organization or alliance of domestic non-governmental organizations subject to such a court order shall have the right to appeal such decision to the courts.

The central register where information about domestic non-governmental organizations or alliances of domestic non-governmental organizations is publicly available shall be updated to account for any such suspension or dissolution.

Article 540: Activity Postponement/Suspension or Memorandum Termination of the Memorandum of a Foreign Non-Governmental Organizations

A foreign non-governmental organization may make a request to postpone/suspend 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 the event that a foreign non-governmental organization is postponed or has its memorandum suspended or terminated by the court order’s judgment, all relevant competent institutions shall enforce this decision. The organization in question shall be notified in writing of the reasons for such decision. Any foreign non-governmental organization subject to such a court order shall have the right to appeal such decision to the courts.

Article 554: Distribution of Resources and Properties in Case the event of Spontaneous the Dissolution or Memorandum—Termination of a Foreign Non-Governmental Organization’s Memorandum

For the association or any domestic non-governmental organization or alliance of associations or domestic non-governmental organizations having—thus has—voluntarily dissolved itself in accordance with as stated in Paragraph 1, Article 5349 of this law, or for the any foreign non-governmental organization which has the memorandum was allowed its memorandum to terminate as stated in accordance with Paragraph 1, Article 540 of this law, the distribution of resources and properties shall be conducted in accordance with the charters or memorandum (as applicable) or decisions of that association and non-governmental organization or alliance of associations or domestic non-governmental organizations.
Article 562: Distribution of Resources and Properties in Case the event of the Dissolution or Memorandum – Termination of a Non-Governmental Organization or Alliance of Domestic Non-Governmental Organizations Through the Court Order’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 its memorandum terminated by a court’s final order, resources and properties shall be distributed in accordance with the final court order’s judgment. The non-governmental organization or alliance of domestic non-governmental organizations in question shall be notified in writing of the reasons for such decision. Any non-governmental organization or alliance of domestic non-governmental organizations subject to such a court order has the right to appeal such decision to the courts.

CHAPTER 9

Procedures To Deal With Any Violation and Penalties

Article 573: Act of Violation of Article this Law

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

In case the event that 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 until such time as the violation is rectified. Any non-governmental organization or alliance of domestic non-governmental organizations subject to such a court order shall have the right to appeal such decision to the courts.

Criminal sanctions shall not be brought against the heads or members of NGOs made on behalf of the NGO in question. Since this law attributes legal personality to NGOs, any actions should be brought against NGOs themselves by way of the civil courts.

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 585: Re-registration of Associations and Domestic Non-Governmental Organizations or Alliances of Associations or Domestic Non-Governmental Organizations

Following the entry into force of this law, an association or domestic non-governmental organizations or and an alliance of associations or domestic non-governmental organizations which have already filed application documents at any state institution or registered with any state institution shall not need to re-submit their application documents or re-register, prepare documents to re-apply, in accordance with the provisions set forth in Chapter 2 and Chapter 3 of this law. Domestic non-governmental organizations and alliances of domestic non-governmental organizations 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. shall comply with the new documentation requirements within a maximum of one hundred and eighty (180) working days.

Article 5596: 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 10
Final Provisions

Article 6057: Abrogation of Provisions Contrary to this Law

Any provision contrary to this law shall be abrogated.

Article 6158: Entry into Force of this Law

This law shall be declared urgent.