

KINGDOM OF CAMBODIA
NATION RELIGION KING

THE ROYAL GOVERNMENT

LAW
ON
ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

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 freedom of Khmer citizens in forming associations and local 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 scope of application to associations, local 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 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 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 local non-governmental organizations and foreign non-governmental organizations.

Article 5: Formation of Legal Entities

For the purpose of this law:

- An association, local non-governmental organization and alliance of association or local non-governmental organization is a non-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 local 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 Local Non-Governmental Organizations

Article 7: Authorities for Registration

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

Article 8: Conditions of Formation of Associations

To form an association, there shall be a 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 Local Non-Governmental Organizations

To form a local non-governmental organization, there shall be a 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 Local Non-governmental Organization

The leaders of associations or local non-governmental organizations shall prepare their own charter.

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

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

- Name written in full form and abbreviation and logo;
- Purpose and objectives;
- Methods for selecting, terminating, dismissing, transferring and removing members, staff, head and leaders;
- Rights and duties of members or staff;
- Structure, mandate, roles, duties, establishment and functioning of the governing bodies, directors, executive committee or other equivalent bodies;
- Rules of ordinary and extraordinary meetings of the governing bodies;
- Sources of resources and properties;
- Rules of resources and property management;
- Rules for changing the organization's name and logo and revising or amending the organizational charter;'
- Rules of dissolution and managing of resources and properties upon being dissolved.

Article 11: Use of Names and Logo by Associations or Local Non-Governmental Organizations

An association or local 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 of any other international institutions.
- The name in full form and the logo of a newly created association or local non-governmental organization shall not duplicate with any registered local associations or non-governmental organizations.

Article 12: Offices

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

Article 13: Determination of Excise Fees for Registration

The registration fee for an association or a local 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 association shall submit the application for registration to Ministry of Interior enclosed with the following documents:

- An application signed by the head of association, two (02) copies;
- A name list of at least twenty-one (21) founders including their age, sex, nationality and permanent address. Those members shall nominate a group of leaders of association, which shall be comprised of at least seven (07) persons, to prepare dossiers for registration with full requirements;
- A recognition letter stating the address of the association's central office, signed by the Commune Chief or Section leader, 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 fee for associations, one (01) copy.

Article 15: Documents for Registering a Local Non-Governmental Organization

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

- An application signed by the head of local non-governmental organization, two (02) copies;
- A recognition letter including the address of the central office of the local non-governmental organization, signed by the Commune Chief or Section Leader, one (01) copy;
- A charter signed by the head of the local non-governmental organization, two (02) copies;
- Profiles of at least three (03) leaders of the local non-governmental organization, with their recent 4x6 size photograph, two (02) copies each;
- A receipt of registration fee for local non-governmental organization, one (01) copy;
- A letter of acknowledgment of any bank account opened in any bank recognized by National Bank of Cambodia, one (01) copy.

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

The Ministry of Interior shall issue one (01) copy of a receipt of registration application to any association or local non-governmental organization that has filed sufficient documents as set forth in Article 14 and/or Article 15 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 local 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 Substance and Response

The Ministry of Interior shall send a written notice to the concerned association or non-governmental organization informing any inconsistencies with the constitution or any laws in force and recommendations for rectification in 45 days.

After all points recommended for changes and all lack of requirement have been fulfilled, the Ministry of Interior shall register that association or local 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 a Legal Entity

An association will become a non-profit legal entity on the day that Ministry of Interior issues its decision for registration.

A local 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 Coalition of Association or Local Non-Governmental Organization

Article 20: Authorities for Registration

The registration for coalition of associations or local non-governmental organizations is under competency of Ministry of Interior.

Article 21: Requirements for Formation of a coalition of Associations or Local Non-Governmental Organizations

To form a coalition of associations or local non-governmental organizations, there shall be at least two (2) members who are registered associations or non-governmental organizations as founders.

These members shall choose a head of the coalition to prepare documents and required dossiers for application.

Article 22: Determination for Registration Fee

The Registration Fee for the collation of associations or local non-governmental organization shall be set in an Inter-Ministerial proclamation co-signed by Minister of Interior and Minister of Economy and Finance.

Article 23: Documents required for Application registration of Registering a Coalition of Associations or Local Non-Governmental Organization

The head of the coalition of associations or local non-governmental organizations shall submit the application for registration at the Ministry of Interior enclosed with following documents:

- An application signed by the head of the coalition of associations or local non-governmental organization, two (02) copies;
- A decision for registration of the associations or local 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 local 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 local non-governmental organization, two (02) copies;
- Profiles of the leaders of the alliance of association and local non-governmental organization, two (02) copies each with a recent 4x6 size photograph;
- A receipt for the registration excise fee for alliance of associations or local non-governmental organization, 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

A coalition of associations or local non-governmental organizations will become a non-profit legal entity on the day that Ministry of Interior issues its decision for registration.

Article 25: The Use of Name and Logo by Coalition of Associations or Local Non-Governmental Organizations

The Coalition of associations or local non-governmental organizations shall use its name of “coalition” in the front of any letter and shall abide by Article 11 of this law.

Article 26: Performance of Coalitions of Associations or Local Non-Governmental Organizations

The coalition of associations or local non-governmental organizations registered at the Ministry of Interior shall implement this law like its members, associations or local non-governmental organizations.

Article 27: Collaboration Between Association and Local Non-Governmental Organization

Lawful association and local non-governmental organizations may collaborate to implement a lawful project in accordance with the decision of the association or local non-governmental organization by merely giving notification in writing to Ministry of Interior enclosing with:

- Any agreement or equivalent document or condition of collaboration;
- The number and names members of associations or local non-governmental organizations.

CHAPTER 4

Entering Memorandum of Foreign Non-Governmental Organizations

Article 28: Authority for Memorandum

The Ministry of foreign Affairs and International Cooperation is competent in entering 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 required for a Memorandum Agreement to Be Submitted by Foreign Non-Governmental Organizations

A foreign non-governmental organization that plans 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 made by the head of the central foreign non-governmental organization in its original country, with the details of its purposes, one (01) copy;
- The letter from the head of foreign non-governmental organization, enclosing the profile of the nominated individual 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 located, one (01) copy;

- A letter disclosing fund 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 lists of Khmer and foreign staffs 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 Substances of the Documents and Response

The Ministry of Foreign Affairs and International Cooperation shall examine the substances of the filed documents and shall decide whether to approve or disapprove to enter the memorandum with the concerned 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 of 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 will have signed 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: Cooperation Between Foreign Non-Governmental Organizations and Relevant Ministries, Institutions or Authorities

A foreign non-governmental organization shall cooperate with relevant ministries and institutions of the Royal Government of Cambodia when it is preparing its project activity plan and evaluating the past actions.

If aid project or program takes place in the capital city of Phnom Penh or other provinces in the Kingdom of Cambodia, the concerned foreign non-governmental organization shall inform to the respective municipal or provincial office or its partner ministries or governmental institutions to be prepared for cooperation.

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 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, 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 lateness of the requests a minimum of thirty (30) days prior to the expiration date of the memorandum.

CHAPTER 5**Resources and Properties of Association and Non-Governmental Organizations****Article 38: Resources and Properties of Associations or Local 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 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 organizations has the following rights:

- To receive financial contributions or donations from lawful 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 lawful means;
- To become the owner of immovable properties according to the law being in force.

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 as many as it can. 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 planned 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 program with free import tax and duties which are the state's burden and according to the decision of Royal Government.

Article 43: Opening of Branch Offices or Operating of an Association or a Non-Governmental Organization

A lawful association or non-governmental organization may open its branch offices or conduct activities in the capital of Phnom Penh or the provinces of the Kingdom of Cambodia. In this 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 hall shall facilitate working performance of concerned associations or non-governmental organizations as partnership.

Article 44: Changing of Names and Logos, Amendment of Organizational Charter, Moving of Offices; Rotation, Termination, Dismissal or Removal of Staff, Members, Presidents and 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 to 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 like 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 concerned foreign non-governmental organization.

Foreign and Cambodian staffs 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 Local Non-Governmental Organizations or Coalitions of Associations and Local Non-Governmental Organization

Lawful local associations or non-governmental organization or coalitions of associations or local non-governmental organizations shall generate report on activities, the status of their budget in the previous year, and action plans for the next year for filing in its office and submitting 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 local non-governmental or Coalitions of Associations or Local Non-Governmental Organizations

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

Article 48: Competent Authority that can examine Financial Reports and Properties of Associations, Non-Governmental Organizations and Coalitions of Association and Local Non-Governmental Organizations

The Ministry of Economy and Finance of the National Audit Authority have power to examine the Status Financial Reports and the properties of any associations or non-governmental organizations or coalitions of association or local non-governmental organizations.

CHAPTER 8

Suspension of Activity, Dissolution, MOU Validity Termination and Management of Resources and Properties

Article 49: Suspension of Activity or Dissolution of the Association or Local Non-Governmental Organization or Coalition of Associations or/and Local Non-Governmental Organizations

An association or local non-governmental organization or a coalition of associations or local non-governmental organization may suspend its activities or dissolve itself in accordance with the its own charter, and shall notify in writing to the Ministry of Interior.

In case an association or local non-governmental organization or a coalition of associations or local non-governmental organizations is suspended or dissolved by the final court judgment, all relevant competent institutions shall execute this decision.

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

A foreign non-governmental organization may make a request to suspend its own activities or terminate its memorandum by submitting its requests to the Ministry of Foreign Affairs and International Cooperation and inform to all relevant ministries.

In case that a foreign non-governmental organization has been suspended or has its memorandum terminated by the court's judgment, all relevant competent institutions shall execute this decision.

Article 51: Distribution of Resources and Properties in Case of Dissolution or Memorandum Termination by its own

While an association or a local non-governmental organization or a coalition of associations or local non-governmental organizations have been dissolved by its own as stated in Paragraph 1, Article 49 of this law, or a foreign non-governmental organization that has its memorandum terminate as stated in Paragraph 1, Article 50 of this law, the distribution of resources and properties shall be conducted in accordance with its charters or memorandum or the decision of the association and non-governmental organization itself or decision of coalition of associations or local non-governmental organizations itself.

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

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

CHAPTER 9

Procedures To Deal With Any Violations and Penalties

Article 53: Act of Violation of Article 46

In case that a lawful association or non-governmental organization or coalition of associations or local non-governmental organization 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 that an association or a local non-governmental organization or coalition of association or local non-governmental organization commits the same violation again, the Ministry of Interior shall issue a decision in writing to temporarily suspend its activities for period from one (01) to three (3) months.

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

Article 54: Act of Violation of Charter or Memorandum

In case that a lawful association or a non-governmental organization or a coalition of associations or local 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 coalition of associates or local non-governmental organizations.

If it conducts the same violation again or commits any serious cases, it shall be punished in accordance with the law in force.

CHAPTER 10**Transitional Provisions****Article 55: Re-registration of Associations and Local Non-Government Organizations or Coalitions of Associations or Local Non-Governmental Organizations**

After this law will have entered into force, all associations or local non-governmental organizations or coalitions of associations or local-non-governmental organizations which have applied for registration at any competent institutions, 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 and eighty (180) days. Where an organization fail to re-apply new documents within the period mentioned above, its preexisting registration documents shall be hereby nullified.

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

After this law will have entered into force, any memoranda of understanding between foreign non-governmental organization and Ministry of Foreign Affairs and International Cooperation shall continue to be valid.

CHAPTER 11**Final Provisions****Article 57: Abrogation of any Provisions inconsistent with this law**

Any provisions inconsistent with this law shall be abrogated.

Article 58: Entry into force of the law

This law shall be declared in urgent.