

LAW ON ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

CHAPTER 1 General Provisions

Article 1:

This law aims at safeguarding the right to freedom of establishing associations and non-governmental organizations in the Kingdom of Cambodia in order to protect their legitimate interests and to protect the public interest, as well as to promote partnership cooperation between associations and non-governmental organizations and the public authorities.

Article 2:

The purposes of this law are to determine the formalities to legally recognize associations or non-governmental organizations as well as to establish the relationship between the associations and/or non-governmental organizations and the public authorities for the development of Cambodian society.

Article 3:

This law applies to associations and non-governmental organizations that conduct activities within the Kingdom of Cambodia, except where regulated by provisions of a separate law.

Article 4:

The terms used in this law are defined as follows:

- “Domestic association” refers to a membership organization established under the laws of Cambodia by natural persons or legal entities aiming at representing and protecting the interests of their members without generating or sharing profits.
- “Domestic non-governmental organization” refers to a non-membership organization, including foundations, established under the laws of Cambodia by natural persons and/or legal entities aiming at providing funds and services in one or several sectors for the public interest without generating or sharing profits.
- “Foreign association or non-governmental organization” refers to a legal organization established outside the country aiming at conducting activities to serve the public interest without generating profits.
- “Association” refers to both domestic and foreign associations.
- “Non-governmental organization” refers to both domestic and foreign non-governmental organizations.

CHAPTER 2

Registration of Domestic Associations or Non-Governmental Organizations

Article 5:

A domestic association shall be established by at least three (3) founding members, whose age is at least eighteen (18).

A domestic non-governmental organization shall be established by at least three (3) founding members being natural persons of Khmer nationality, whose age is at least eighteen (18).

Article 6:

Domestic associations or non-governmental organizations shall be required to register with the Ministry of Interior by completing the following documents:

- 1- Application forms for registration, 02 (two) copies;
- 2- A letter stating the address of the central office of the domestic association or non-governmental organization issued by the commune or Sangkat chief, 01 (one) copy;
- 3- Profiles of each founding members with a recent 4x6 size photograph, 02 (two) copies;
- 4- Statutes signed by the president of the domestic association or non-governmental organization, 02 (two) copies.

Article 7:

The statutes of the domestic association or non-governmental organization shall lay out the substances in conformity with the Constitution and other existing laws, and the following key points:

- 1- Purpose and goal;
- 2- Name written in full and abbreviation that does copy the full name or abbreviation of any registered association or non-governmental organization;
- 3- Logo that does not copy that of any national or state institution, any registered association or non-governmental organization, or the Red Cross or Red Crescent or international institutions;
- 4- Rules for selecting, terminating, dismissing, transferring and removing the position of the president or executive director;
- 5- Rules for changing the organization's name and logo, and for amending its statutes;
- 6- Sources of resources and properties;
- 7- Rules for managing resources and properties;
- 8- Rules for dissolving and disposing resources and properties upon dissolution of the organization.

Article 8:

The Ministry of Interior shall examine the application documents of a domestic association or non-governmental organization, and shall decide whether or not to accept the registration within 45 (forty five) working days at the latest.

In case the applicant fails to fulfill the criteria for registration, the Ministry of Interior shall notify the applicant in writing to make corrections within 45 (forty five) working days at the latest. The Ministry of Interior shall decide about the registration within fifteen (15) working days at the latest from the date on which it receives the corrected documents.

In case the Ministry of Interior fails to decide about the registration within the period provided for in paragraphs 1 and 2 above, the domestic association or non-governmental organization shall be deemed registered under this law. In such a case, the Ministry of Interior shall prepare documents to legalize the registration for the concerned domestic association or non-governmental organization.

The Ministry of Interior may deny the request for registration of an association or non-governmental organization whose purpose and goals are found would endanger the security, stability and public order or jeopardize national security, national unity, culture, traditions, and customs of Cambodian national society.

A domestic association or non-governmental organization whose request for registration is denied by the Ministry of Interior shall have the right to appeal to the courts.

Article 9:

A domestic association or non-governmental organization shall become a legal entity from the date it is registered by the Ministry of Interior. The Ministry of Interior shall copy the registration documents of the domestic association or non-governmental organization to the relevant Ministries/institutions as necessary.

Any domestic association or non-governmental organization that is not registered shall not be allowed to conduct any activity within the Kingdom of Cambodia.

Article 10:

Domestic association or non-governmental organization shall inform in writing all of its operation bank accounts in the banks in the Kingdom of Cambodia to the Ministry of Interior and the Ministry of Economy and Finance within 30 (thirty) days from the date of registration.

In case of amendment of its statute, a relocation of its office, a replacement of its president or executive director, or a change of its bank account information, a domestic association or non-governmental organization shall inform in writing the Ministry of Interior within 15 (fifteen) days at the latest from the date the change is made, by attaching the modified documents.

Article 11:

The conditions, formalities and procedures for establishing and registering an association or a non-governmental organization by a foreign legal entity or a foreign person shall be determined by an Order (*Prakas*) of the Minister of Interior.

The conditions, formalities and procedures for establishing and registering an association by minors shall be determined by an Order (*Prakas*) of the Minister of Interior.

CHAPTER 3

Registration of Foreign Associations or Non-Governmental Organizations

Article 12:

Any foreign association or non-governmental organization wishing to conduct activities in the Kingdom of Cambodia shall register with the Ministry of Foreign Affairs and International Cooperation by signing a Memorandum of Understanding.

Any foreign association or non-governmental organization wishing to implement short-term projects shall seek the approval of the Ministry of Foreign Affairs and International Cooperation, directly or through a local partner.

Article 13:

Any foreign association or non-governmental organization wishing to implement projects in the Kingdom of Cambodia shall submit an application for a memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation by attaching the following documents:

1. A letter from the president of the foreign association or non-governmental organization, the permanent office of which is in a foreign country, requesting to appoint its representative with 1 (one) attached copy of a brief biography of the person requested to be appointed, and 1 (one) copy of the request to open a representative office;
2. A letter stating the address of the representative office in the Kingdom of Cambodia issued by the Commune or Sangkat Chief, one (01) copy;
3. A letter issued by a competent authority of the country of origin, authorising the foreign association or non-governmental organization to operate, 1 (one) copy;
4. A supporting letter of the projects of the foreign association or non-governmental organization issued by the public authorities of the Kingdom of Cambodia, 1 (one) copy;
5. A letter certifying the budget for implementing the projects of the foreign association or non-governmental organization for at least 6 (six) months, issued by its permanent office in the foreign country, 1 (one) copy;
6. A pledging letter to provide all accounts of the foreign association or non-governmental organization in the banks in the Kingdom of Cambodia, 1 (one) copy.

Article 14:

The Ministry of Foreign Affairs and International Cooperation shall examine the contents of the application and decide whether or not to sign a memorandum with a foreign association or non-governmental organization within 45 (forty-five) working days at the latest.

Article 15:

A foreign association or non-governmental organization shall discuss and agree with the public authorities, who are its project partners, before submitting an application for signing a memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation as provided for in item 4 of Article 13 of this law.

Article 16:

A memorandum of understanding shall be of a maximum of 03 (three) (03) years' validity, depending on the projects of the foreign association or non-governmental organization. The validity of the memorandum thereof shall automatically terminate on its expiry date.

If a foreign association or non-governmental organization wishes to extend the validity of its memorandum of understanding, it shall submit a request for extension of its memorandum of understanding within 90 (ninety) days prior to its expiry date.

Article 17:

Any foreign association or non-governmental organization that has signed a memorandum of understanding shall inform in writing of all of its operation accounts in banks in the Kingdom of Cambodia to the Ministry of Foreign Affairs and International Cooperation and the Ministry of Economy and Finance within 30 (thirty) days from the date on which registration is approved.

Each foreign association or non-governmental organization shall notify in writing to the Ministry of Foreign Affairs and International Cooperation and the Ministry of Economy and Finance, in case there is a relocation of its representative office or a replacement of its country representative or any change of its bank account information within 15 (fifteen) days at the latest from the date on which the relocation, replacement or the change is made attaching with the modified documents.

CHAPTER 4

Resources and Assets of Associations or Non-Governmental Organizations

Article 18:

The resources and assets of a domestic association shall consist of the following:

- Donation or contributions or subscription fees of members;
- Own resources and assets of the domestic association;
- Lawful gifts from natural persons or legal entities;
- Other incomes generated from lawful sources.

The resources and assets of a domestic non-governmental organization shall consist of the following:

- Own resources and assets of the organization;
- Lawful gifts from natural persons or legal entities;
- Other incomes generated from lawful sources.

Article 19:

Resources and assets of a foreign association or non-governmental organization shall be obtained from lawful sources.

CHAPTER 5

Rights, Benefits and Obligations of Associations or Non-Governmental Organizations

Article 20:

An association or non-governmental organization, which has registered or signed a Memorandum of Understanding, shall be subjected to the existing taxation regime law, and receive incentives and enjoy exemptions in accordance with the existing laws and provisions.

Article 21:

An association or non-governmental organization, which has registered or signed a Memorandum of Understanding, shall be entitled to enter into contracts to cooperate with its partners for implementing its activities according to the existing laws of the Kingdom of Cambodia.

Article 22:

An association or non-governmental organization, which has registered or signed a Memorandum of Understanding, shall be entitled to recruit staff or workers. The recruitment shall comply with the Law on Immigration, the Labour Law and other legal provisions of the Kingdom of Cambodia.

Article 23:

Foreign non-governmental organizations' representative offices, expatriate and Cambodian staff and their family members shall not enjoy immunity and privileges bestowed to diplomats as provided for in the 1961 Vienna Convention on Diplomatic Relations regarding their functional activities and all types of court cases, unless otherwise provided for in a special agreement entered into by and between the Royal Government of Cambodia and the foreign association or non-governmental organization.

Article 24:

Domestic non-governmental organizations, foreign non-governmental organizations, or foreign associations shall maintain their neutrality towards political parties in the Kingdom of Cambodia.

Article 25:

A non-governmental organization shall submit a copy of its activity report and of its annual financial report by not later than the end of February of the following year. Domestic non-governmental organizations that receive financial support from donors shall submit the report by copying the original documents sent to the donors within 30 (thirty) days from the date on which they are sent to the donors, as well as 1 (one) copy of project documents and financial agreement with donors by copying from the original documents within 30 (thirty) days from the date of the agreement. This report shall be kept at its office for at least 5 (five) years.

The Ministry of Interior may, if necessary, request the activity report and annual financial report of an association.

A foreign non-governmental organization shall submit a copy of its annual activity reports and financial status of the original documents sent to the donors to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economy and Finance within 30 (thirty) days from the date on which they were sent to the donors, as well as 1 (one) copy of the project documents and financial agreement with donors by copying from original documents within 30 (thirty) days from the date of the agreement.

The Ministry of Economy and Finance or the National Audit Authority may, if necessary, check and audit an association and a non-governmental organization.

CHAPTER 6

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

Article 26:

A domestic association or non-governmental organization may suspend its activities by providing a written notification to the Ministry of Interior. Prior to the suspension of its activities, the domestic association or non-governmental organization shall submit its activity report and financial report as provided for in paragraph 1 of Article 25 of this law.

A domestic association or non-governmental organization shall, prior to its dissolution, clear its obligations in accordance with the procedures and provisions in force.

Article 27:

A foreign association or non-governmental organization may suspend its activities by providing a written notification to the Ministry of Foreign Affairs and International Cooperation. Prior to the suspension, the foreign association or non-governmental organization shall submit its activity report and financial report as provided for in paragraph 3 of Article 25 of this law.

A foreign association or non-governmental organization shall, prior to the termination of its memorandum of understanding, clear its obligations in accordance with the procedures and provisions in force.

Article 28:

A domestic association or non-governmental organization shall dispose of its resources and assets remaining after the clearance of its obligations in compliance with its statute and in conformity with the laws and provisions in force.

A foreign association or non-governmental organization shall dispose of its resources and assets remaining after the clearance of its obligations in compliance with the funding agreements with its donors.

Article 29:

Should a domestic association or non-governmental organization be dissolved by a court decision or be removed from the register by a decision of the Ministry of Interior, the clearance of its obligations as well as the disposal of its remaining resources and assets shall comply with the court's decision in conformity with the provisions in force.

Should a foreign association or non-governmental organization have its Memorandum of Understanding prematurely terminated by the Ministry of Foreign Affairs and International Cooperation, the disposal of its resources and assets shall comply with the decisions of the foreign association or non-governmental organization which requested the opening of the representative office in the Kingdom of Cambodia.

CHAPTER 7

Administrative Measures and Penalties

Article 30:

To any domestic association or non-governmental organization that fails to comply with Article 10, or Article 24, or para. 1 or para. 2 of Article 25 of this law, the Ministry of Interior shall issue a warning in writing by giving 30 (thirty) working days at the latest. In case of non-compliance, the Ministry of Interior shall issue a warning in writing to temporarily suspend its activities for a period of 90 (ninety) days at the latest. In the case of repeated non-compliance, the Ministry of Interior shall issue a written decision to remove it from the register.

To any domestic association or non-governmental organization that fails to properly comply with its statutes, the Ministry of Interior shall notify in writing or temporarily suspend activities for a maximum period of 30 days. In the case of non-compliance, the Ministry of Interior shall issue a written decision to remove it from the register.

The Ministry of Interior shall decide to remove from the register any domestic association or non-government organization that conducts activities that endanger the security, stability and public order, or jeopardize the national security, culture, tradition, and custom of Cambodian national society, regardless of other criminal punishments.

Article 31:

A domestic association and non-governmental organization shall have the right to appeal against the decision of the Ministry of Interior regarding the denial of registration, suspension of the activity, deletion from the register, and fine to the court within thirty (30) working days at the latest from the date on which a notification of the decision is received.

Article 32:

The competent authorities shall take measures to immediately stop any domestic association or non-governmental organization for conducting activities without registration with the Ministry of Interior according to the provisions of this law. In case of resistance, the concerned association or non-governmental organization shall be subjected to a fine from Riel 5,000,000 to Riel 10,000,000 by the Ministry of Interior. In case of repetition, the competent authorities shall file a complaint to the courts for legal action, regardless of other criminal punishments.

Paragraph 1 above shall also be applied against any domestic association or non-governmental organization that is delisted or whose activity is suspended by the Ministry of Interior but continues to carry on activities in the Kingdom of Cambodia.

Article 33:

In case a foreign association or non-governmental organization fails to comply with Article 24, or paragraph 3 of Article 25 of this law, the Ministry of Foreign Affairs and International Cooperation shall issue a warning in writing by giving at the latest thirty (30) days. In case of non-compliance, the Ministry of Foreign Affairs and International Cooperation shall issue a warning in writing by giving at the latest thirty (30) days. In case of repeated non-compliance, the Ministry of Foreign Affairs and International Cooperation shall issue a written decision to terminate the validity of its memorandum.

Article 34:

The competent authorities shall take measures to immediately stop any foreign association or non-governmental organization that conducts activities without registration or which Memorandum of Understanding is terminated by the Ministry of Foreign Affairs and International Cooperation. Additional measures involving expulsion under the Law on immigration may be undertaken against any foreigner working for a foreign association or non-governmental organization for committing the above offence regardless of other criminal punishments.

Article 35:

The Ministry of Foreign Affairs and International Cooperation may terminate the validity of a Memorandum of Understanding where a foreign association or non-governmental

organization fails to properly comply with the Memorandum of Understanding it has signed with the Ministry of Foreign Affairs and International Cooperation, or where a foreign association or non-governmental organization conducts activities which harm security, stability, and public order, or endanger the national security, national unity, culture, good traditions and customs of Cambodian national society.

Article 36:

Any association or non-governmental organization conducting activities which endanger the national security or involves money laundering, terrorist financing or terrorist crimes, or other criminal offenses, shall be punished according to the existing criminal law of the Kingdom of Cambodia.

CHAPTER 8

Transitional Provisions

Article 37:

Following the entry into force of this law, any domestic association or non-governmental organization whose documentation has been filed with the Ministry of Interior shall be deemed registered and will automatically receive the status of a legal entity under this law.

Article 38:

Following the entry into force of this law, any foreign association or non-governmental organization which has entered into a Memorandum of Understanding with the Ministry of Foreign Affairs and International Cooperation shall be deemed registered under this law and may conduct its activities until the expiry date of the Memorandum.

CHAPTER 9

Final Provisions

Article 39:

Any provisions contrary to this law shall be abrogated.
