

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 at setting out formalities and conditions for registering associations or domestic non-governmental organizations and the signing of the Memorandum of Understanding of foreign non-governmental organizations operating in the Kingdom of Cambodia.

Article 2: Purposes

The purposes of this law are:

- to provide the rights for Cambodian citizens in establishing associations or domestic non-governmental organizations in order to jointly protect lawful personal and public interests;
- to provide opportunities for foreign non-governmental organizations to join with the Royal Government of Cambodia in implementing aid projects;
- to provide opportunities to join in the cooperation between associations or domestic non-governmental organizations or foreign non-governmental organizations and the Royal Government in the development of Cambodian society.

Article 3: Scope

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

Article 4: Definitions

For the purpose of this law:

- An association is referred to a group of Cambodian natural persons who agree to establish for the interest of its members or/and public without conducting any activity to generate profits for sharing among their members.
- A domestic non-governmental organization is referred to a group of Cambodian natural persons who agree to establish to serve public interests without conducting any activity to generate profits for sharing among their members.
- A foreign non-governmental organization is referred to a group of foreign natural persons in foreign countries which are established under foreign laws and undertake activities to serve public interests in the Kingdom of Cambodia without conducting any activity to generate profits for sharing among their members.

- The term non-governmental organizations are referred to domestic non-governmental organizations and foreign non-governmental organizations.

Article 5: Formation of Legal Entities

For the purpose of this law:

- An association or domestic 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 existing laws in the Kingdom of Cambodia.

Article 6: Prohibiting Provisions

Any association or non-governmental organization, which is not registered or has not signed an Memorandum, shall not enjoy any benefits from this law, and may not operate the activities in the name of an association or non-governmental organization in the Kingdom of Cambodia. The signing of a Memorandum of Understanding shall not be mandatory for any foreign non-governmental organization operating their activities less a year, but a written notification about their aid projects, duration and locations of their operation to the Ministry of Foreign Affairs and International Cooperation.

CHAPTER 2

Registrations of Associations and Domestic Non-Governmental Organizations

Article 7: Registration Authority

The registration of associations and domestic non-governmental organizations is the competence of the Ministry of Interior.

The Ministry of Interior may delegate the authority for registration of associations or domestic non-governmental organizations to the sub-national administrative institutions..

Article 8: Conditions for Registration of Associations

To register an association, there shall be at least eleven (11) Cambodian founding members.

These members shall choose at least five (05) governing members to fulfill formalities and conditions for registration.

Article 9: Conditions for Registration of Domestic Non-Governmental Organizations

To register a domestic non-governmental organization, there shall be at least three (03) Cambodian founders.

These members shall elect a president to fulfill formalities and conditions for registration.

Article 10: Statute of an Association and Domestic Non-Governmental Organization

The governing members of associations or domestic non-governmental organizations shall prepare their own statutes.

The statutes of associations and domestic non-governmental organizations shall comply with the Constitution and other existing laws of the Kingdom of Cambodia.

The statutes of associations and domestic non-governmental shall include the following important elements:

- Name written in full form and abbreviation and logo;
- Purpose and objective;
- Methods for selecting, terminating, dismissing, transferring and removing directors and governing members;
- Rights and duties of members or staff;
- Structure, mandate , role, duty, orgnaization 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 amending the organizational statute;
- Rules of dissolution and distribution of resources and properties upon being dissolved.

Article 11: Use of Name and Logo of a Domestic Association or Non-Governmental Organization

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

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

Article 12: Offices

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

Article 13: Determination of Excise Fees for Registration

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

Article 14: Documents for Registration of an Association

The head of an association shall submit the application for registration at the Ministry of Interior or at the sub-national administrative institutions attaching the following documents:

- An application signed by the head of the association, two (02) copies;
- A name list of at least eleven (11) founders with an identification of their age, sex, nationality and permanent address. Those members shall nominate the association governing members which shall be comprised of at least five (05) people, for fulfilling formalities and conditions for registration ;
- A letter stating the address of the association's central office, recognized by the Commune or Sangkat chief, one (01) copy;
- A statute signed by the president and all governing members of the association, two (02) copies;
- Profiles of the governing members of the association, at least five (05) people, with a recent 4x6 size photograph, two (02) copies each;
- A receipt for the registration excise fee for associations, one (01) copy.

Article 15: Documents for Registration of a Domestic Non-Governmental Organization

The president of a domestic non-governmental organization shall submit the application for registration at the Ministry of Interior or at the sub-national administrative institution attaching the following documents:

- An application form signed by the president 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 Sangkat chief, one (01) copy;
- A statute, signed by the president of the domestic non-governmental organization, two (02) copies;
- Profiles of the governing members of the domestic non-governmental organization, at least three (03) people with a recent 4x6 size photograph, two (02) copies each;
- A receipt for the registration excise fee for domestic non-governmental organizations, one (01) copy;

The president of domestic non-governmental organization shall ensure that he/she will provide a copy of bank statement of domestic non-governmental organization which has deposited at any bank recognized by the National Bank of Cambodia within 30 working days at the latest after receiving registration letter. In case of default, the ministry of interior or the sub-national administrative institution shall remove the domestic non-governmental organization from registration list.

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

The Ministry of Interior or the sub-national administrative institution shall issue one (01) copy of a receipt of registration application to any association or domestic non-governmental organization that has submitted sufficient documents as set forth in Article 14 or Article 15 of this law.

Article 17: Examination of Documents, Dodification and Responses

The Ministry of Interior or the sub-national administrative institution shall examine the documents and the legality of the statute of the association or domestic non-governmental organization, and shall decide whether to accept or reject the registration within 45 working days at the latest.

The Ministry of Interior or the sub-national administrative institution shall notify in writing any concerned association or any concerned domestic non-governmental organization, whose registration is not approved by the Ministry of Interior or by the sub-national administrative institution, to make modifications within 45 working days at the latest.

Provided that the association or domestic non-governmental organization has appropriately modified the contents or lacking points, the Ministry of Interior or the sub-national administrative institution shall approve the registration within 15 working days from the date on which the modified documents is received.

In case the Ministry of Interior or the sub-national administrative institution decides not to approve the registration, the concerned association or concerned domestic non-governmental organization has the right to appeal to the court.

Article 18: Existence of Legal Entity

An association shall become a non-profit legal entity from the date the Ministry of Interior or the sub-national administrative institution approves the registration.

A domestic non-governmental organization shall become a legal entity serving public interests from the date the Ministry of Interior or the sub-national administrative institution approves the registration.

CHAPTER 3

Registration of Associations or Domestic Non-governmental Organization Alliances

Article 19: Definition

Alliances of associations or non-governmental organizations are referred to associations or non-governmental organization which have allied for any common purpose to operate their activities to serve public interests without generating profits for sharing among their members.

Article 20: Registration authority

The registration of association or domestic non-governmental organization alliances is the authority of the Ministry of Interior.

Article 21: Conditions for Registration of Association or Domestic Non-Governmental Organization Alliances

To register any domestic association or non-governmental organization alliance, there shall be at least two (02) founding members from the lawful associations or domestic non-governmental organizations.

These members shall elect an alliance president to fulfill formalities and conditions for registration.

Membership of domestic association or non-governmental organization alliance may consist of foreign non-governmental organizations which comply with Cambodian laws. But foreign non-governmental organization may not play leadership role in the domestic association or non-governmental organization alliance.

Article 22: Registration fee

Registration fee of domestic association or non-governmental organization alliance shall be determined by an Inter-Ministerial Proclamation between Minister of Interior and Minister of Economy and Finance.

Article 23: Registration Documents of Domestic Association or Non-Governmental Organization Alliance

The president of domestic association or non-governmental organization alliance shall submit registration application to the Ministry of Interior by attaching with following dossiers:

- Two (02) copies of registration applications signed by the president of domestic association or non-governmental organization alliance;
- One (01) copy of registration approval of each domestic association or non-governmental organization which is the alliance's member ;
- One (01) copy of the registered office address of the domestic association or non-governmental organization alliance recognized by the Commune or Sangkat chief, ;
- Two (02) copies of common statute signed by the president of the domestic association or non-governmental organization alliance;
- Two (02) copies of biography with a recent 4x6 size photograph of the president of the domestic association or non-governmental organization alliance,
- One (01) copy of registration excise fee receipt of the domestic association or non-governmental organization alliance.

The president of the domestic association or non-governmental organization alliance shall ensure that he/she will provide one (01) copy of bank statement of the domestic association of non-governmental organization alliance deposited in any bank recognized by the National Bank of Cambodia within thirty (30) working days at

the latest from the date on which he/she receives the approval letter for registration.. In case of default, the Ministry of Interior shall remove the domestic association or non-governmental organization alliance from the registration list.

Article 24: Existence of Legal Entity

A domestic association or non-governmental organization alliance shall become a non-profit legal entity from the date on which the Ministry of Interior issues the registration approval.

Article 25: Use of Name and Logo of a Domestic Association or Non-Governmental Organization Alliance

Any domestic association or non-governmental organization which has formed an alliance shall use the term “alliance” in front of its name and shall comply with article 11 of this law.

Article 26: The Compliance of Domestic Association or Non-Governmental Organization Alliance

A lawful domestic association or non-governmental organization alliance shall comply with provisions of this law as other domestic associations or non-governmental organizations do.

Article 27: Collaborations between Associations and 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 non-governmental organizations. Should the collaboration exceed one (01) year period, a written notification shall be submitted to the Ministry of Interior by enclosing with:

- An Agreement or equivalent document or terms of collaboration;
- The number and names of associations or non-governmental organizations engaged.

CHAPTER 4

Signing Memorandum of Foreign Non-Governmental Organization

Article 28: Signing of memorandum

The signing of memorandum of foreign non-governmental organization is the authority of the Ministry of Foreign Affairs and International Cooperation.

Article 29: Representative Office

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

Article 30: Application for Memorandum of Foreign Non-Governmental

Organizations

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

- One (01) copy of a letter requesting to open a representative office, of a president of a foreign non-governmental organization which has its permanent office in a foreign country, by indicating its purpose for opening the office in the Kingdom of Cambodia;
- One (01) copy of a letter, of the president of a non-governmental organization in a foreign country, with attachment of profile of the person requested to be the appointed representative of the non-governmental organization. One (01) copy of an operation permit of the organization issued by a competent authority of the country of origin hosting the permanent office of the concerned organization;
- One (01) copy of the letter issued by the Ministry or the institution of the Royal government of Cambodia to support the aid-projects of the foreign non-governmental organization
- One (01) copy of budget declaration for implementing aid-projects of the foreign non-governmental organization within at least one (01) year certified by its permanent office in the foreign country;
- One (01) copy of list of national and foreign staffs who are working in the Kingdom of Cambodia;

The president of a foreign non-governmental organization shall ensure that he/she will provide one (01) copy of a bank statement of the foreign non-governmental organization which has deposited at any bank recognized by the National Bank of Cambodia within 30 working days at the latest after signing the memorandum. In case of default, the ministry of foreign affairs and international cooperation shall remove the foreign non-governmental organization from registration list.

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Article 31: Receipt of Memorandum Application

The Ministry of Foreign Affairs and International Cooperation shall issue one (01) copy of a receipt of memorandum application to any foreign non-governmental organization which has fulfilled sufficient documents as provided for in article 30 of this law.

Article 32: Examination of the Application and Responses

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 non-governmental organization within forty-five (45) working days at the latest.

Article 33: Entering into Agreement on Aid-Projects with Partner Ministries/Institutions

A foreign non-governmental organization shall discuss and agree with partner ministries/institutions of the Royal Government on aid-projects/programs before

submitting an application for a memorandum of understanding with the ministry of foreign affairs and international cooperation as provided for in article 30 (paragraph. 4) of this law. In case that any Ministry or institution of the Royal Government of Cambodia decides not to support the aid projects of a foreign non-governmental organization, that Ministry or institution shall issue a written explanation about the reasons for its denial by providing a copy of it for the Ministry of Foreign Affairs and International Cooperation.

Article 34: Preparation and Signing of a Memorandum

Upon approving to sign 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 a representative of the foreign non-governmental organization so that the organization may implement its aid-projects pursuant to laws of the Kingdom of Cambodia. After signing the memorandum with the Ministry of Foreign Affairs and International Cooperation, the foreign non-governmental organization shall declare its agreement on aid-projects to the Council for the Development of Cambodia.

Article 35: Existence of legal entity

A foreign non-governmental organization shall become a legal entity from the date on which the Ministry of Foreign Affairs and International Cooperation signs the memorandum.

For the purpose of this law, a foreign non-governmental organization shall receive legal personality as a foreign legal entity, if that foreign non-governmental organization has its central office in a foreign country and is recognized by 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 partner ministries/ institutions of the Royal Government of Cambodia when developing projects, monitoring, and evaluating the implemented activities or results.

Should aid-projects/programs be implemented in Phnom Penh or other provinces in the Kingdom of Cambodia, a foreign non-governmental organization shall notify its partner ministries/ institutions of the Royal Government..

Article 37: Initial validity of a memorandum and its extension

A memorandum of understanding shall have its initial validity for at least one (01) year or at most three (03) year depending on the organization's aid-projects, and the validity of the memorandum thereof between the Royal Government and the foreign non-governmental organization may be extended upon the request of the concerned organization.

A foreign non-governmental organization shall submit a request to extend the validity of its memorandum within ninety (90) days prior to its expiry date. In case the non-governmental organization fails to apply for extension on timely manner, the foreign non-governmental organization shall notify the Ministry of Foreign Affairs and

International Cooperation by indicating reasons of procrastination within thirty (30) days prior to the memorandum's expiry.

CHAPTER 5

Resources and Assets of Associations and Non-Governmental Organizations

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

Resources and properties of a domestic association or non-governmental organization include the followings:

- Donation or contributions or subscription fees of members;
- Own resources and assets of a domestic association or non-governmental organization;
- Lawful gifts from natural persons or legal entities;
- Other incomes generated from lawful activities.

Article 39: Resources, Assets and Budget for implementing Aid-Projects/Programs of Foreign Non-Governmental Organizations

Resources and assets of a foreign non-governmental organization obtain from lawful sources.

A foreign non-governmental organization shall have sufficient budget to implement its aid-projects in the Kingdom of Cambodia, and ensure that administrative expenses including staff's salaries, office equipments, and other expenditures for office functioning shall not exceed 25 percent of the total budget.

CHAPTER 6

Rights and benefits of associations or non-governmental organizations

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

A lawful association or non-governmental organization shall have rights:

- To receive financial contributions or gifts from lawful sources;
- To open bank accounts in the name of the association or non-governmental organization in any bank recognized by the National Bank of Cambodia;
- To recruit members, staffs and workers;
- To lease lands or buildings for implementing aid-projects;
- To enter into contracts for implementing aid-projects/program of the association or non-governmental organization aimed at serving public interests;
- To disseminate its information or activities through lawful means;
- To own real properties according to existing laws.

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

An association or non-governmental organization shall employ Cambodian members, staffs or workers to the maximum extent. Recruitment of staff or workers

by an association or non-governmental organization shall comply with existing laws of the Kingdom of Cambodia. The number of staffs or workers shall be proportionate to its aid projects.

Article 42: Rights and benefits of an association or non-governmental organization

A lawful association or non-governmental organization operating in the Kingdom of Cambodia may request to import necessary materials/ equipments for use according to its aid projects and work plans of which import taxes and duties shall be the state's burden and as determined by the Royal Government.

Article 43: Opening of branch office/s or operation of associations or non-governmental organizations

A lawful association or non-governmental organization may open branch office/s or conduct activities in municipal capital or other provinces of the Kingdom of Cambodia. In such a case, the association or non-governmental organization shall provide a written notification to municipal hall or concerned provincial hall/s by enclosing with photocopied documents such as its registration approval and organization statute, or agreement on aid-projects and memorandum. Municipal or concerned provincial hall/s shall create enabling environment for the functioning of the concerned association or non-governmental organization in a partnership manner.

Article 44: Change of name and logo, amendment of organization statute, move of offices, rotation, termination, dismissal or removal of presidents or governing members of an association or non-governmental organization

The president or the management level of a lawful association or non-governmental organization may change its name or logo, amend its organization statute, move its offices or rotate, terminate, dismiss or remove its president or governing members according to the organization statute, internal regulations and existing laws. In this case, the association or non-governmental organization shall provide a written notification to the Ministry of Interior or the Ministry of Foreign Affairs and International Cooperation by enclosing with new dossiers.

Article 45: Immunity and privilege of a foreign non-governmental organization's representative office, expatriate and Cambodian staffs and their family members

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 1963 Vienna Convention on Consular Relations, otherwise provided for in a special agreement between the Royal Government of Cambodia and the foreign non-governmental organization.

Expatriate and Cambodian staffs of foreign non-governmental organizations shall not be immune from judicial prosecution regarding their job-related activities as well as all sorts of cases.

CHAPTER 7

Obligations of Associations and Non-Governmental Organizations

Article 46: Annual Reports of Associations or Non-Governmental Organizations

Lawful associations or non-governmental organizations shall submit their annual reports on activities and budget status of preceding year and action plan of following year to the Ministry of Interior or the sub-national administrative institution, or Ministry of Foreign Affairs and International Cooperation and the Ministry of Economic and Finance not later than February, except anyany foreign non-governmental organizations, whose fiscal years end after February.

Article 47: Deposit of associations' or non-governmental organizations' annual reports

Annual reports of associations or non-governmental organizations shall be deposited for a period of five (05) years to be examined by competent institutions.

Article 48: Authority to examine financial reports and assets of associations or non-governmental organizations

The Ministry of Economy and Finance or the National Audit Authority, if necessary, has the right to examine reports on financial status and assets of associations or non-governmental organizations, but shall provide a written notification of two (02) weeks in advance to the concerned associations or non-governmental organizations.

CHAPTER 8

Postponement, dissolution, termination of MOU, and management of resources and assets

Article 49: Suspension or dissolution of a domestic association or non-governmental organization

A domestic association or non-governmental organization may suspend its activities or dissolve as determined in its statute by providing written notification to the Ministry of Interior or the sub-national administrative institution.

In case a domestic association or non-governmental organization is suspended or dissolved by a definitive court judgment, all relevant competent institutions shall enforce the ruling accordingly.

Article 50: Suspension of Activities or Termination of MOU of Foreign Non-Governmental Organizations

A foreign non-governmental organization may request to suspend its activities or terminate validity of its memorandum by submitting a a writtenuotification to the Ministry of Foreign Affairs and International Cooperation by carbon copying to all relevant competentinstitutions.

In case a foreign non-governmental organization is postponed or has its memorandum terminated by a court's judgment, all relevant competent institutions shall enforce the ruling.

Article 51: Management of resources and assets upon voluntary dissolution or termination of MOU

Should a domestic association or non-governmental organization voluntarily dissolve as stated in article 49, para. 1 of this law or a foreign non-governmental organization be allowed to terminate its MOU as stated in article 50, para. 1 of this law, management of resources and assets shall comply with its organization statute, memorandum or decisions of the concerned association or non-governmental organization.

Article 52: Management of resources and assets upon dissolution or termination of MOU by a definitive judicial ruling

Should an association or a non-governmental organization be dissolved or its memorandum be terminated by a definitive judicial ruling which orders to dissolve or to terminate the validity of memorandum, management of resources and assets shall be enforced according to the definitive judicial ruling.

**CHAPTER 9
Procedure and penalty provisions**

Article 53: Violation

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

In case of a domestic association non-governmental organization fails to comply according to the warning, the Ministry of Interior the sub-national administrative institution shall issue a written decision to temporarily suspend the organization's activities from one (01) to three (03) months.

In case of recidivist of a foreign non-governmental organization, the Ministry of Foreign Affairs and International Cooperation shall issue a written decision to suspend the organization's activities and to terminate the validity of its memorandum.

Article 54: Violation of organization statute or memorandum

Any lawful association or a non-governmental organization fails to properly comply with its statute or memorandum, the Ministry of Interior or the institution of the sub-national administration, or Ministry of Foreign Affairs and International Cooperation shall issue a written warning to the concerned association or non-governmental organization.

In case of recidivist or serious cases in the violation of the constitution or other laws of the Kingdom of Cambodia, shall be punished according to the laws in force.

CHAPTER 10 **Transitional Provisions**

Article 55: Re-registration of domestic associations and non-governmental organizations

Following the entry into force of this law, any domestic association or non-governmental organization which has deposited application dossiers at state institutions shall prepare application dossiers for re-registration pursuant to the provisions stipulated in Chapter 2 and Chapter 3 of this law, within a three hundreds and sixty five (365) working days at the latest. In case of default, it shall be deemed as null and void.

Article 56: Renewal of MOU of a foreign non-governmental organization's memorandum

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

CHAPTER 10 **Final Provisions**

Article 57: Abrogation of provisions contrary to this Law

Any provision contrary to this law shall be abrogated.

Article 58: Entry into force of the law

This law shall be declared urgent.

