

Chapter 1

General Provisions

Article 1

The purpose of this law is to ensure protection of the right to freedom in the creation of associations and non-governmental organizations in the Kingdom of Cambodia in order to protect their legitimate interests and protect the interests of the public, as well as to promote cooperation in the partnership of associations and/or non-governmental organizations with public authorities.

Article 2

The goal of this law is to stipulate the formalities for the legal recognition of associations and non-governmental organizations, as well as to stipulate relationships of associations and non-governmental organizations with public authorities in order to develop Cambodian society.

Article 3

The implementation scope of this law is with regard to associations and non-governmental organizations conducting activities in the Kingdom of Cambodia, with the exception of those for which separate legal provisions specify differently.

Article 4

The terms used in this law are defined as follows:

- A domestic association refers to a membership organization created under Cambodian law by natural persons and/or legal persons with the purposes of representing and protecting the interests of its members without making profits or gain for mutual distribution.
- A domestic non-governmental organization refers to a non-membership organization, including foundations, created under Cambodian law by natural persons and/or legal persons with the purpose of providing funds or services in one or many realms in order to serve the public interest without making profits or gain for mutual distribution.
- A foreign association or foreign non-governmental organization refers to a legitimate organization created outside the country with the purpose of conducting activities to serve the public interest without making a profit.
- Associations refers to domestic associations and foreign associations.
- Non-governmental organizations refers to domestic non-governmental organizations and foreign non-governmental organizations.

Chapter 2

Creation and Registration of Domestic Associations and Non-Governmental Organizations

Article 5

The creation of a domestic association requires the existence of at least five founding members who are natural persons at least 18 years of age or older and who have never performed a leading role in a domestic association or non-governmental organization that has been deleted from registration.

The creation of a domestic non-governmental organization requires the existence of at least five founding members who are natural persons at least 18 years or older and who have never performed a leading role in a domestic non-governmental organization that has been deleted from registration.

Article 6

A domestic association or non-governmental organization must register at the Ministry of Interior by filling out the following documentation:

1. A registration application in duplicate;
2. A letter from the chief of a rural or governor of an urban commune specifying the address of the central office location of the domestic association or non-governmental organization;
3. The biographies in duplicate of each founding member affixing a 4x6 photograph;
4. The statute, in duplicate, signed by the chairperson of the domestic association or organization.

Article 7

The content of the statute of a domestic association or non-governmental organization must be in accordance with the Constitution and laws in force and must lay out the following:

1. Purpose and goal;
2. Full name and abbreviation that do not reproduce the full name or abbreviation of a domestic association or non-governmental organization that is already registered;
3. A logo not reproducing that of the nation or a government institution, or the symbol of any domestic association or non-governmental organization that is already registered, or the symbol of the Red Cross or Red Crescent or an international institution;
4. Rules for the selection, termination, expulsion, transfer, and removal from position of the chairperson or the chief executive;
5. Rules for changing the name, changing the logo and amending the statute;
6. Sources of resources and properties;
7. Rules for the management of resources and properties;
8. Rules for the dissolution of rules for the disposition of resources and properties at times when dissolution occurs.

Article 8

The Ministry of Interior must examine an application request of a domestic association or non-governmental organization and must decide whether or not it is willing to accept registration within at most 45 working days.

In the case that the applicant does not fulfil the conditions for registration, the Ministry of Interior must notify the applicant in writing to make corrections within at most 45 working days. The Ministry of Interior must decide about registration within at most 15 working days after the day it received the corrected application.

In the case that the Ministry of Interior fails to decide upon registration within the periods of time as set forth above in paragraphs one and two, that domestic association or organization must be considered as having been legally registered. In such case, the Ministry of Interior must process as regular the registration documents, providing them to that domestic association or non-governmental organization.

The Ministry of Interior may reject the request for registration of any domestic association or non-governmental organization the purpose and objective of which it is found could adversely affect public security, stability and order, or generate a threat to national security, national unity, or the culture, traditions and customs of Cambodian national society.

Any domestic association or non-governmental organization whose registration application request has been rejected by the Ministry of Interior has the right of appeal to the courts.

Article 9

A domestic association or non-governmental organization will become a legal person starting from the day upon which the Ministry of Interior registers it. The Ministry of Interior must reproduce the registration document of that domestic association or non-governmental organization for the relevant ministries and institutions as necessary.

A domestic association or non-governmental organization that has not been registered is not authorized to conduct any activities within the Kingdom of Cambodia.

Article 10

A domestic association or non-governmental organization must provide information in writing about all of its bank accounts that open for operation in the Kingdom of Cambodia to the Ministry of Interior and the Ministry of Economy and Finance within a period of 30 days from the day of registration.

A domestic association or non-governmental organization must provide information in writing to the Ministry of Interior within at most 15 days from the day of the change or modification in the case that there is amendment of its statute, a change in its office location, a change in the position of chairperson or chief executive, or a change in information on bank accounts, appending documentation of what has changed.

Article 11

The conditions, formalities and procedures for the creation and registration of a domestic association or non-governmental organization for a legal person or a foreigner must be stipulated by proclamation of the Minister of Interior.

Chapter 3

Registration of Foreign Associations or Non-Governmental Organizations

Article 12

Foreign associations or non-governmental organizations desiring to conduct activities in the Kingdom of Cambodia must register with the Ministry of Foreign Affairs and International Cooperation under the form of a memorandum of understanding.

Foreign associations or non-governmental organizations desiring to carry out short term projects must request authorization from the Ministry of Foreign Affairs and International Cooperation via a domestic partner.

Article 13

Foreign associations and non-governmental organizations desiring to carry out projects in the Kingdom of Cambodia must put a request for a memorandum of understanding to the Ministry of Foreign Affairs and International Cooperation, appending the following documentation:

1. a letter by the chairperson of a foreign association or non-governmental organization having an permanent office location abroad proposing to appoint a representative, appending a short biography of the person it is proposed to appoint and proposing to open a representative office location;
2. a letter specifying the address of the representative office location in the Kingdom of Cambodia from the chief of the rural or governor of the urban commune;
3. a letter issued by the competent foreign authorities of the country of origin authorizing the operation of the foreign association or non-governmental organization;
4. a letter of support for all the projects of the foreign association or non-governmental organization issued by a ministry or institution of the Royal Government of the Kingdom of Cambodia;
5. a letter specifying the amount of budget for all of the projects of the foreign association or nongovernmental organization of a period of at least six months, such specification being by its permanent office location abroad;
6. a letter promising to provide all accounts of the foreign association or nongovernmental organization in banks in the Kingdom of Cambodia.

Article 14

The Ministry of Foreign Affairs and International Cooperation must examine the content of the documentation and must decide whether or not it is willing to enter into a memorandum of understanding with the foreign association or non-governmental organization within at most 45 working days.

Article 15

A foreign association or non-governmental organization must discuss and agree all projects with a partner public authorities before it puts forward a request to enter into a

memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation, as laid out in point four of article 13 of this law.

Article 16

A memorandum of understanding has a maximum validity of three years, depending on the projects of the foreign association or non-governmental organization. The validity of a memorandum of understanding must automatically end after the day it expires.

In the case that a foreign association or non-governmental organization desires to extend the validity of a memorandum of understanding, it must make sure it puts forward a request for extension of validity of the memorandum of understanding 90 days prior to the expiration of its memorandum of understanding.

Article 17

A foreign association or non-governmental organization that has already entered into a memorandum of understanding must make notification in writing about all of its bank accounts that open for operation in the Kingdom of Cambodia to the Ministry of Foreign Affairs and International Cooperation and the Ministry of Economy and Finance within 30 days from the day of registration.

A foreign association or non-governmental organization must make a notification in writing to the Ministry of Foreign Affairs and International Cooperation and the Ministry of Economy and Finance in the case that there is a change in its office location or its duty representative in the country, or there is a modification of information regarding its bank accounts, doing so within at most 15 days from the day of the change or modification and appending documentation of the changes.

Chapter 4

The Resources and Properties of a Foreign Association or Non-Governmental Organization

Article 18

The resources and properties of a domestic association are such as the following:

- Donations or contributions or membership subscription fees;
- The association's directly-owned resources and properties;
- Legal gifts from natural persons or legal persons; - Income from various other legal sources.

The resources and properties of a domestic non-governmental organization are such as the following:

- The non-governmental organizations directly-owned resources and properties;
- Legal gifts from natural persons and legal persons;
- Income from various other legal sources.

Article 19

The resources and properties belonging to a foreign association or non-governmental organization must be obtained from legal sources.

Chapter 5**The Rights, Interests and Obligations of an Association or Non-Governmental Organization****Article 20**

An association or non-governmental organization that has been registered or entered into a memorandum of understanding must be legally subject to the taxation regime in force and enjoy encouragement and relief in accordance with laws and provisions in force.

Article 21

An association or non-governmental organization that has been registered or entered into a memorandum of understanding has the right to enter into contracts of cooperation with partners in the carrying out of project activities in accordance with laws in force of the Kingdom of Cambodia.

Article 22

An association or non-governmental organization that has been registered or entered into a memorandum of understanding has the right to select staff or workers to serve its work. Such selection must be carried out in accordance with the Immigration Law, the Labour Law and other judicial standards of the Kingdom of Cambodia.

Article 23

The representative office location of a foreign association or non-governmental organization, its foreign staff and Khmer staff and their family members do not, in connection with their activities fulfilling their functions nor with regard to legal cases of all kinds, enjoy the diplomatic immunity or privileges as laid down in the 1961 Vienna Convention on Diplomatic Relations, unless there is a special agreement between the Royal Government of Cambodia with the foreign association or non-governmental organization.

Article 24

Domestic non-governmental organizations, foreign non-governmental organizations and foreign associations must adhere to a stance of neutrality vis-à-vis political parties in the Kingdom of Cambodia.

Article 25

A domestic non-governmental organization must send to the Ministry of Interior, the Ministry of Economy and Finance an annual report summing up its work activities and on its finances, doing so no later than the end of February of the following year. In the case that a domestic non-governmental organization receives the financial support of a donor, it must send

a the above report along with a copy made from the original document sent to the donor, doing so within a period of 30 days from the day it was sent to the donor, together with a copy made from the original of the project work programme document and the financing agreement to which the donor consented, doing so within a period of 30 days from the day that the donor agreed to consent. This report must be kept on file at its office location for at least five years.

In case of necessity, the Ministry of Interior may request annual reports on activities and financial reports from associations.

A foreign non-governmental organization must send to the Ministry of Foreign Affairs and International Cooperation, the Ministry of Economy and Finance an annual report summing up its work activities and on its finances copied from the original document sent to donors within a period of 30 days from the day it was sent to the donor, together with a copy made from the original of the project work programme document and the financing agreement to which the donor consented, doing so within a period of 30 days from the day that the donor agreed to consent.

In case of necessity, the Ministry of Economy and Finance or the National Audit Authority may conduct an examination to check on and an audit of an association or nongovernmental organization.

Chapter 6

Suspension of Activities, Dissolution of and Termination of the Validity of a Memorandum of Understanding of and Disposition of the Resources and Properties of an Association or Non-Governmental Organization

Article 26

The activities of a domestic association or non-governmental organization may be suspended by having notified this in writing to the Ministry of Interior. Before suspending activities, the association or non-governmental organization must make a report of its work activities and on its finances as laid down in paragraph one of article 25 of this law.

Before dissolution, a domestic association or non-governmental organization must liquidate its obligations in accordance with the procedures and provisions in force.

Article 27

The activities of a foreign association or non-governmental organization may be suspended by having notified this in writing to the Ministry of Foreign Affairs and International Cooperation. Before suspending activities, the foreign association or nongovernmental organization must make a report of its work activities and on its finances as laid down in paragraph three of article 25 of this law.

Before terminating a memorandum of understanding, a foreign association or nongovernmental organization must liquidate its obligations in accordance with the procedures and provisions in force.

Article 28

With regard to domestic associations and non-governmental organizations, the disposition of resources and properties remaining after liquidation of obligations must be carried out in accordance with its statute and in compliance with laws and provisions in force.

With regard to foreign associations or non-governmental organizations, the disposition of resources and properties remaining after liquidation of obligations must be carried out in accordance with its memorandum of understanding and agreements with donors.

Article 29

With regard to domestic associations and non-governmental organizations that have been dissolved by a court decision or the name of which has been deleted from listing by a decision of the Ministry of Interior, the liquidation of its obligations and the disposition of its remaining resources and properties must be carried out in accordance with the court's decision in compliance with provisions in force.

With regard to foreign associations and non-governmental organizations whose memorandum of understanding validity has been terminated by the Ministry of Foreign Affairs and Cooperation prior to expiry, disposition of resources and properties must be carried out in accordance with the decision of the foreign association or non-governmental organization that had requested the opening of a representative office location in the Kingdom of Cambodia.

Chapter 7**Administrative Measures and Punitive Provisions****Article 30**

A domestic association or non-governmental organization that does not act in accordance with article 10 or article 24 or paragraph 2 of article 25 of this law must be so notified in writing by the Ministry of Interior, giving it a period of at most 30 working days. In the case that it does not act upon the notification, the Ministry of Interior must notify it in writing that its activities are temporarily suspended for a period of at most 90 days. In the case of still non-compliance, the Ministry of Interior must decide in writing to delete its name from the listing.

A domestic association or non-governmental organization not acting properly in accordance with its statute must be so notified in writing by the Ministry of Interior that its activities are temporarily suspended for a period of at most 30 days. In the case that it still does not so act, the Ministry of Interior must decide in writing to delete its name from the listing.

The Ministry of Interior must decide to delete from the listing any domestic association or non-governmental organization conducting activities adversely affecting public security, stability and order or generating a threat to national security, national unity, or the culture, traditions and customs of Cambodian national society, regardless of consideration otherwise of criminal sanctions.

Article 31

A domestic association or non-governmental organization has the right to lodge a complaint with the courts protesting a decision of the Ministry of Interior connected to non-registration, termination of activities, deletion from listing and fines.

Article 32

The competent authorities must take urgent termination measures with regard to any domestic association or non-governmental organization that conducts activities without having been registered with the Ministry of Interior in accordance with the provisions of this law. If it is the case it does not desist, a domestic association or non-governmental organization must be fined a sum of between 5,000,000 to 10,000,000 riel by the Ministry of Interior. In the case that it continues with further activities, the competent authorities must lodge a complaint with the courts in order for them to take measures in accordance with the law, regardless of consideration otherwise of criminal sanctions.

The provisions of paragraph one above must similarly be applied also to any domestic association and non-governmental organization the name of which has been deleted from listing or has had its activities suspended by the Ministry of Interior but still continues to conduct activities in the Kingdom of Cambodia.

Article 33

In the case of a foreign association or non-governmental organization that does not act in accordance with article 17 or article 24 or paragraph 3 of article 25 of this law, the Ministry of Foreign Affairs and International Cooperation must so notify it in writing, giving it a period of 30 days. In the case that it does not act upon the notification, the Ministry of Foreign Affairs and International Cooperation must warn it in writing, giving it a period of 30 days. In the case of still non-compliance with the warning, the Ministry of Foreign Affairs and International Cooperation must decide in writing to terminate the validity of its memorandum of understanding.

Article 34

The competent authorities must take urgent termination measures with regard to any foreign association or non-governmental organization that conducts activities without having been registered or having had the validity of its memorandum of understanding terminated by the Ministry of Foreign Affairs and International Cooperation. Further measures of expulsion in accordance with the Immigration Law may be carried out vis-à-vis any foreigner performing work in a foreign association or non-governmental organization that commits the above offense, regardless of consideration otherwise of criminal sanctions.

Article 35

The Ministry of Foreign Affairs and International Cooperation may terminate the validity of a memorandum of understanding in the case that a foreign association or nongovernmental organization does not act properly in accordance with the memorandum of understanding into which it has entered with the Ministry of Foreign Affairs and Cooperation, or in the case that a foreign association or non-governmental organization conducts activities adversely affecting public security, stability and order, or generating a threat to national security, national unity, or the culture, traditions and customs of Cambodian national society.

Article 36

Any association or non-governmental organization the activities of which make for an adverse effect upon national security or are connected to money laundering, to funding of terrorism or terrorist offences, or to other criminal offences, is to be punished with reference to the criminal laws in force of the Kingdom of Cambodia.

Chapter 8

Transitional Provisions

Article 37

After this law comes into force, a domestic association or non-governmental organization the documentation of which is already on file with the Ministry of Interior must be considered to have been registered and automatically to have been recognized as having the status of a legal person in accordance with the provisions of this law.

Article 38

After this law comes into force, a foreign association or non-governmental organization that has already entered into a memorandum of understanding with the Ministry of Foreign Affairs and International Cooperation must be considered to have been registered in accordance with this law and may conduct activities through to the day upon which the validity of its memorandum of understanding expires.

Chapter 9

Final Provision

Article 39

Any and all provisions the content of which are contrary to this law must be considered null and void.

This law adopted by National Assembly of the Kingdom of Cambodia

Adopted on.....

During the National Assembly Session.....Mandate.....

Phnom Penh.....

President of the National Assembly

Samdach Ponhea Chakrey Heng Samrin