

Draft LAW ON ASSOCIATIONS AND NON-GOVERNMENTAL ORGANIZATIONS

CHAPTER 1 General Provisions

Article 1:

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

Article 2:

The purposes of this law are to determine the formalities to legally recognize the 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 the Cambodian society.

Article 3:

This law has a scope of application to the associations and non-governmental organizations, which conduct the activities within the Kingdom of Cambodia, except provided by provisions of a separate law.

Article 4:

The terms used in this law define as follows:

- A 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.
- A domestic non-governmental organization refers to a membership non-governmental organization, including foundations, established under the laws of Cambodia by natural persons or legal entities aiming at providing funds and services in one or many sectors without generating or sharing profits.
- A foreign association or non-governmental organization refers to a legal foreign non-governmental organization established outside the country aiming at conducting activities to serve public interests without generating profits.
- An association refers to both domestic and foreign associations.
- Non-governmental organization refers to both domestic and foreign non-governmental organization.

CHAPTER 2

Registration of Domestic Associations or Non-Governmental Organizations

Article 5:

The establishment of the domestic association shall consist of at least three (3) founding members, whose age is from eighteen (18).

The establishment of the domestic non-governmental organization shall consist of at least three (3) founding members of Khmer national, whose age is from eighteen (18).

Article 6:

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

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

Article 7:

The statute of the domestic association or non-governmental organization shall contain the substances in conformity with the Constitution and other existing laws, and shall state the important points as follows:

- 1- Purpose and goal
- 2- Name written in full and abbreviation without making copies of the full names or abbreviation of any registered association or non-governmental organization.
- 3- Logo shall not be copied from that of the national or state institution or symbols of any registered association or non-governmental organization or symbols of 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 the statute;
- 6- Sources of resources and properties;
- 7- Rules for managing resources and properties
- 8- Rules for dissolving and managing resources and properties upon being dissolved.

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 for the registration within forty five (45) working days at the latest.

In case the applicant fails to fulfill the criteria for registration, the Ministry of Interior shall notify in writing to the applicant to make corrections within forty five (45) working days at the latest. The Ministry of Interior shall decide over 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 over the registration within the period as provided for in paragraph 1 and 2 above, the domestic association or non-governmental organization shall be considered as registered under this law. In such case, 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 against an association or non-governmental organization, whose purpose and goal is found would endanger the security, stability and public order or jeopardize the national security, national unity, cultures, tradition, and good custom of the 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 court.

Article 9:

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

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

Article 10:

Domestic association or non-governmental organization shall notify in writing about 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 thirty (30) days from the date on which the registration is approved.

Domestic association or non-governmental organization shall notify in writing to the Ministry of Interior within fifteen (15) days at the latest from the date the change is made attaching with the modified documents, in case that there is an amendment of its statute, or a relocation of its office address, or a replacement of its president or executive director, or a change of its bank account information.

Article 11:

Conditions, formalities and procedures of establishing and registering a domestic association and non-governmental organization for a legal entity and for a foreigner shall be determined by a declaration of the Minister of Interior.

Conditions, formalities and procedures of establishing and registering an association of minors shall be determined by a declaration (*Prakas*) of the Minister of Interior.

Chapter 3

Registration of International 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 in the form of signing Memorandum of Understanding.

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

Article 13:

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

1. A letter of the director of a foreign association or non-governmental organization which has its permanent office in a foreign country, requesting to appoint its representative with the attachment of the profile of a person requested to be appointed, one (1) copy and the request to open a representative office, one (1) copy;
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. An operation permit for the foreign association or non-governmental organization issued by a foreign competent authority of the country of origin, one (1) 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, one (1) copy
5. A certifying letter declaring the budget for implementing the projects of the foreign association or non-governmental organization for at least six (06) months, issued by its permanent office in the foreign country, one (1) 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, one (01) 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 forty-five (45) 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 point 4 of Article 13 of this law.

Article 16:

A memorandum of understanding shall have its validity for the longest three (03) years 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.

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

Article 17:

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

Foreign association or non-governmental organization shall notify in writing to the Ministry of Foreign Affairs and International Cooperation and 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 fifteen (15) 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 The Foreign Associations and Non-Governmental Organizations

Article 18:

Resources and properties of a domestic association or non-governmental organization are of the following:

- 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 sources.

Resources and assets of the domestic organization shall consist of as follows:

- 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 the 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 the 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 the 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 the memorandum of understanding, is entitled to recruit staffs or workers. The recruitment shall be complied with the law on immigration, law on labor, and other legal norms of the Kingdom of Cambodia.

Article 23:

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

Article 24:

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

Article 25:

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

In case of necessary, the Ministry of Interior may request for activity report and annual financial report of the association.

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

In case of necessary, the Ministry of Economy and Finance or the National Audit Authority may check and audit the association and non-governmental organization.

CHAPTER 6

Suspension, Dissolution, Termination of Validity of Memorandum of Understanding, and Management 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 its suspension, 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 clear its obligations in accordance with the existing procedures and provisions, prior to its dissolution

Article 27:

A foreign non-governmental organization may suspend its activities by providing a written notification to the Ministry of Foreign Affairs and International Cooperation. Prior its suspension, a 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 clear its obligations in accordance with the existing procedures and provisions, prior to the termination of its memorandum of understanding.

Article 28:

For a domestic association or non-governmental organization, the management of its resources and assets remaining from the clearance of its obligations shall be complied with its statute in conformity with the existing laws and provisions.

For a foreign association or non-governmental organization, the management of its resources and assets remaining from the clearance of its obligations shall be complied with the memorandum of understanding or agreement with the donors.

Article 29:

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

Should a foreign association or non-governmental organization, whose memorandum validity is terminated by the Ministry of Foreign Affairs and

International Cooperation prior to the expiry date, the management of its resources and assets shall be complied with the decisions of the foreign association or non-governmental organization, who has requested to open its representative office in the Kingdom of Cambodia.

CHAPTER 7

Administrative Measures and Penalty Provisions

Article 30:

Any domestic association or non-governmental organization 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 thirty (30) 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 ninety (90) days at the latest. In case of the repeated non compliance, the Ministry of Interior shall issue a written decision to delete it from the register.

Any domestic association or non-governmental organization fails to properly comply with its statute, Ministry of Interior shall notify in writing or temporarily suspend its activities for a period of 30 days at the longest. In case of non-compliance, Ministry of Interior shall issue a written decision to delete it from the register.

The Ministry of Interior shall decide to delete from the register against any domestic association or non-government organization, which conduct its activities to endanger the security, stability and public order, or jeopardize the national security, culture, tradition, and good custom of the 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 a registration with the Ministry of Interior according to the provisions of this law. In case of not giving up, that association or non-governmental organization shall be subjected to a fine from Riel 5000.000 to Riel 10.000.000 by the Ministry of Interior. In case of repetition, the competent authorities shall file a complaint to the court for a legal action, regardless of other criminal punishments.

Provision of paragraph 1 above shall also be applied against any domestic association or non-governmental organization delisted or whose activity is suspended by the Ministry of Interior but still carry on its activity 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 the 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 measure to immediately stop any foreign association or non-governmental organization, which conduct the activity without a registration or whose Memorandum of Understanding is terminated by the Ministry of Foreign Affairs and International Cooperation. An additional measure regarding the expulsion under the law on immigration may be applied against any foreigner working for a foreign association or non-governmental organization for committing the above act, regardless of other criminal punishments.

Article 35:

The Ministry of Foreign Affairs and International Cooperation may terminate the validity of the memorandum of understanding where a foreign association or non-governmental organization fails to properly comply with the memorandum of understanding it signed with the Ministry of Foreign Affairs and International Cooperation, or where a foreign association or non-governmental organization conduct its activities, which endanger the social security, stability, and public order, or jeopardize the national security, national unity, culture, tradition, and good custom of the Cambodian national society.

Article 36:

Any association or non-governmental organization conducting its activities, which endanger the national security, or involves in the 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 which has deposited application dossiers at the Ministry of Interior shall be considered as registered and shall automatically be entitled to the legal entity status under this law.

Article 38:

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

**CHAPTER 9
Final Provisions**

Article 39:

Any provisions contrary to this law shall be abrogated.

This law was adopted by the National Assembly
of the Kingdom of Cambodia on.....2015
at the session..in the legislature term..
Phnom Penh,.....
President of the National Assembly

Samdech Ponhea Chakrey Heng Samrin