

**KRAM DATED OCTOBER 28, 1997****ON THE POLITICAL PARTIES**

N° CS / RKM / 1197 / 07

We,

Preah Bat Samdech Preah Norodom Sihanouk,

King of the Kingdom of Cambodia

- having seen the [Constitution](#) of the Kingdom of Cambodia.
- having seen the kret dated 1 November 1993, on the appointment of Royal Government of Cambodia.
- having seen the kram n° 2 ns-94, dated 20 July 1994, on the organization and functioning of the Council of Ministers.
- having seen the kret n° ns-roy. decr-1094-90, dated 31 October 1994, on modification of composition of Royal Government of Cambodia.
- having seen the kret n° ch-s-roy. decr- 0897-147, dated 7 August 1997, on modification of composition of the Royal Government of Cambodia.
- having seen the kram no ns-roy. .decr-0196-08, dated 24 January 1996, on establishment of the Ministry of Interior.
- upon proposal of H.E. the First Prime Minister and Samdech 2nd Prime Minister and, of the co-Ministers of Interior.

hereby promulgate

the law on creation of political parties adopted on 28th October 1997 by National Assembly during the 8th session of its first legislative term, which whole content is as follows:

**CHAPTER I****GENERAL PROVISIONS****Article 1:**

The purpose of this law is to provide for rules governing the creation, registration and activities of political parties in the Kingdom of Cambodia.

**Article 2:**

A political party is a group of persons who share same ideas and wills and who voluntarily join together through a contract creating a permanent and autonomous organization with a view to participate in the national political life in accordance with liberal and pluralist democracy regime through free and fair elections in accordance with Constitution of Kingdom of Cambodia and relevant in force laws.

**Article 3:**

Any Political party shall establish its head office in Phnom Penh or in a provincial town or municipality of Kingdom of Cambodia.

**Article 4:**

Any political parties shall be equally entitled to the same rights and prerogatives and shall receive equal treatment from Royal Government and authorities of all levels.

**Article 5:**

Joining a political party is a personal and free choice of any Khmer citizen. None shall have the right to force any Cambodian to join any political party.

None shall be deprived of his civil, political and professional rights because of his membership or non-membership of a legally established political party.

**Article 6:**

No political party shall undertake any of the following activities:

1. creating a secession jeopardizing national unity and territorial integrity of Kingdom of Cambodia;
2. carrying on subversion against liberal and multiparty democratic regime by using violence to seize power;
3. setting up armed forces.

**Article 7:**

No political party shall be subordinated to any foreign political party or any foreign government or be placed under their command

**Article 8:**

Registration of political parties shall fall within the competence of the Ministry of Interior.

**CHAPTER II****ESTABLISHMENT OF POLITICAL PARTIES****Article 9:**

A group of 80 Khmer citizens, being at least 18 years of age and having a permanent residence in Kingdom of Cambodia, may create a political party, only by notifying it in writing to the Ministry of Interior.

Within a period of fifteen days, Ministry of Interior shall acknowledge in writing receipt of this notification. After expiration of this period it shall be assumed that the notification has been received by Ministry of Interior.

To be granted legal recognition, the establishing political party shall elect a provisional committee composed of at least 7 members aged 25 years or over, in order to prepare formalities and fulfill conditions for party's registration in accordance with [Chapter V of this Law](#).

During this period, even if it has not yet obtained legal recognition, a political party may fix an escutcheon at its headquarters office.

#### **Article 10:**

Every political party shall draft in writing its Statutes and political lines, which shall include at least the following important points:

a- for the statutes:

1. full name, acronym and logo of the party;
2. party's head office address;
3. date of creation of the political party. This date shall not coincide with a national or international holiday.
4. rules governing adhesion and exclusion of members;
5. rights and duties of members;
6. organizational structure of the party at national and local levels;
7. competence of the political party's organs;
8. appointment and dismissal procedures of the members of the party's executive committee
9. schedule of ordinary sessions of the bodies of the political party;
10. quorum conditions required for meetings of the political party bodies;
11. finances and assets of the political party;
12. rules governing the dissolution of the political party and liquidation of its assets in case of dissolution;
13. rules governing the amendments of the Party's statutes;

b- The political objectives and important political program shall state goals and aims of the political party.

#### **Article 11:**

Any political party shall have a name and a logo following indications hereinafter:

1. political parties full names, acronyms and logos must be different from one to each other party;
2. name of a newly established political party shall not be given by making a slight rectification of a name of another political party;
3. logo of a political party shall not copy or imitate a national symbol or symbolize religion, an Angkor Wat temple or any Royal picture or statues of Khmer Kings.

### **CHAPTER III**

#### **MEMBERSHIP**

#### **Article 12:**

Any Khmer aged at least 18 years enjoying his civic rights may join a political party.

#### **Article 13:**

Membership of a political party shall be done on a voluntary basis.

A member of a political party may resign at any time from a party, without being required to explain the reasons.

#### **Article 14:**

Members of a political party have equal statutory rights and obligations.

#### **Article 15:**

A Khmer citizen may not join more than one political party at a time. Where a person joined several parties, only the latest membership shall be considered as valid.

Clergymen, civil servants from judicial order, members of Royal Cambodian Armed Forces and National Police Forces may join political parties but shall refrain to engage in any activity in support or in opposition to any political party. A political party shall not settle an organizational structure within religious institutions, Royal Cambodian Armed Forces and National Police Forces.

#### **Article 16:**

A member of a political party shall lose his capacity of member in one of the following cases:

1. if he resigned or relinquished his activities within the political party;
2. if he is dismissed from the political party in accordance with statutes of the concerned political party.

### **CHAPTER IV**

#### **BODIES OF POLITICAL PARTIES**

#### **Article 17:**

Leading bodies of each political party shall at least consist of:

1. A General Assembly or a Congress or an equivalent body;
2. A National Council or a Central committee or an equivalent body;
3. An Executive Committee or a Permanent Committee or an equivalent body;
4. An Arbitration Committee or a Control Committee or a Dispute Resolution Committee or an equivalent body;

Names of these political parties leading bodies at all levels may vary according to the statutes of each political party.

#### **Article 18 :**

Mandate, missions, organization and functioning of each political party's leading bodies mentioned at the article 17 of this law and all other bodies of the political party shall be defined in its statutes or internal rules.

### **CHAPTER V**

#### **REGISTRATION OF POLITICAL PARTIES**

#### **Article 19:**

To be granted legal recognition in accordance with [paragraph 2 of article 9](#) of this law, a political party must apply for its registration and must have at least 4,000 members from several Khets and Khrungs.

#### **Article 20:**

The political party shall provide the following documents:

1. an application for registration signed by the President of the political party;
2. full name, acronym and symbol of the political party;
3. address of political party's Head Office;
4. two specimen of the original of the Statutes of the political party;
5. internal Rules of the political party, if any;
6. party's fundamental policies and political programs;
7. written statement of the political party, committing its respect to Constitution, Law on Political Parties and other in force provisions, principles of liberal multiparty democracy and human rights;
8. a list of names of four thousand members with their ages, addresses, thumb prints, membership card numbers and political party membership dates;
9. a personal data sheet of the President or of at least 3 founding members, of one copy each and with a (4x6) photo by person;
10. a Statement of party's bank account in a bank of Kingdom of Cambodia recognized by the National Bank of Cambodia;
11. the receipt for payment of party's registration fees. The fees amount for the above registration shall be determined by an interministerial prakas of Ministry of Interior and Ministry of Economy and Finance.

#### **Article 21:**

The Ministry of Interior shall issue an acknowledgment of receipt of registration application to a political party which complies with all requirements of article 20 of this law.

#### **Article 22:**

The Ministry of Interior shall verify the content of all documents of the political party after the delivery of the acknowledgment of receipt mentioned in the article 21 of this law.

The Ministry of Interior shall accept or refuse the registration of the political party within a period not exceeding thirty days.

#### **Article 23:**

If the Ministry of Interior finds that a party file is duly filled and is in accordance with Constitution, law on political parties and other in force laws, it shall notify in writing the concerned political party that it has been registered, attaching a specimen of party's statutes bearing the registration date of the political party with the signature and seal of the minister of Interior.

#### **Article 24:**

If the Ministry of Interior finds that a party file is not duly filled and not in accordance with the Constitution, the law on political parties and other in force laws, it shall notify in writing the concerned political party. The last said shall provide missing documents raised by the notification of the Ministry of Interior within a period not exceeding fifteen days from the date of reception of the notification. After this period of fifteen days, the Ministry of Interior shall notify in writing the concerned political party that its registration has been refused.

#### **Article 25:**

A political party which has been notified by the Ministry of Interior that its registration has been refused, as provided by article 24 of this law, shall be entitled to lodge an appeal to the Constitutional Council.

The Constitutional Council shall dispose of the appeal within 30 days of the reception of the appeal of concerned political party.

If the Constitutional Council decides that documents provided by the political party meet the requirements, Ministry of Interior shall immediately register the party in accordance with article 23 of this law.

#### **Article 26:**

A registered political party may change its name, modify its fundamental policies and political programs or amend its statutes. In such a case, political party shall notify in writing the Ministry of Interior, enclosing the new elements. In particular, the change of the President of the political party shall be notified in writing to the Ministry of Interior, enclosing a personal data sheet of the new President with a 4x6 photo attached.

## **CHAPTER VI**

### **POLITICAL PARTIES INCOMING**

#### **Article 27:**

Political parties' incoming shall come from:

1. Members' contributions or levies;
2. Miscellaneous incomes deriving from lawful business activities of the party;
3. State budget funds as provided by article 28 of this law;
4. Donations from Khmer private enterprises or Khmer individual donators;
5. Political party's own assets.

#### **Article 28:**

State may provide all political parties with equal amount subsidies from national budget, solely to refund electoral campaign expenses for the election of the members of the National Assembly.

A political party which did not obtain 3% of valid ballot papers or which failed to obtain one seat in the National Assembly shall fully reimburse the said State subsidies within three months of the proclamation of the election results.

#### **Article 29:**

It is prohibited for a Political parties to receive contributions in any form from State institutions, associations, non-governmental organizations, public enterprises, public institutes, or foreign corporations, except in the case stipulated in article 28 of this law.

## **CHAPTER VII**

### **RECORDS AND AUDITS**

#### **Article 30:**

Accounting reports and documents shall be kept for at least seven years and may be submitted to audit in accordance with party's statutes or internal rules or upon decision of a competent court or institution.

#### **Article 31:**

Registered political parties shall submit a report to the Ministry of Interior and to the Ministry of Economy and Finance before 31st of December of each year. The report shall be signed by the political party's President and Treasurer.

This report shall have the following content:

1. a report on main activities of the Political Party;
2. a balance sheet showing yearly income and expenses by nature. This balance sheet shall be prepared by the political party's accountant;
3. a statement of the political party's bank accounts;
4. A balance sheet of all party's assets including properties, trade income and liabilities.

#### **Article 32:**

The Ministry of Economic and Finance shall be responsible for verifying the financial statements specified in paragraphs 2, 3, and 4 of the article 31 of this law.

## **CHAPTER VIII**

### **DISSOLUTION, MERGING AND ALLIANCE OF POLITICAL PARTIES**

#### **Article 33:**

A political party may dissolve itself by decision of its General Assembly in accordance with its statutes, after having cleared out all its debts and liquidated all its assets. It shall immediately notify in writing the Ministry of Interior, so that its name can be cleared from the list of political parties.

#### **Article 34:**

No authority may dissolve a political party, unless the said party has been declared dissolved by judgment of a competent court.

#### **Article 35:**

Assets of a political party that has been declared dissolved in pursuance of article 33 of this law shall be liquidated by a decision of the General Assembly.

#### **Article 36:**

A political party may declare its merging with another party in accordance with its statutes. If the statute does not provide for the merging, the General Assembly shall make a decision.

The Ministry of Interior shall delete from the political party list the name of the political party which declared its merging, after having received notification of this merging.

#### **Article 37:**

Political parties may freely form a bilateral or multilateral alliance in accordance with the decision each concerned party.

**CHAPTER IX****PENALTIES****Article 38:**

Shall be subject to a fine penalty of three million riels any political party that violates the article 31 of this Law.

In case of repeated offenses, the fine shall be doubled and a temporary suspension of activities may be ordered.

**Article 39 :**

Shall be subject to a fine penalty from three million to five million riels any political party that violates the [articles 7](#) and [29](#) of this law.

In case of repeated offense, the fine shall be doubled and a temporary suspension of activities may be ordered.

**Article 40:**

Shall be subject to a fine penalty of one million riels any person who violates [article 5](#) or the [2nd paragraph of article 15](#) of this law.

**Article 41:**

Shall be subject to a fine penalty from one million to five million riels and/or to between one month to one year of imprisonment any person who:

1. continued to administer or manage a political party whose registration on the list if political parties has been refused by Ministry of Interior;
2. continues to administer or manage a political party which has been declared dissolved by a court;
3. administers or manages the political party without having applied for registration within eighteen month from the date the election of the provisional committee as provided by [article 9 of this law](#); or
4. keeps a party head office open after a final decision of a court ordering dissolution or suspension of activities of the political party.

**Article 42:**

Any person who violates provisions of [article 6 of this law](#) shall be subject to penalties in accordance with in force penal law.

**CHAPTER X****TRANSITIONAL PROVISIONS****Article 43:**

After the enforcement of this law, all political parties registered in the political parties list in accordance with 1993 UNTAC provisions shall, within 90 days, transmit to the Ministry of Interior the documents specified in [article 20 of this law](#), except subparagraph 11.

After this deadline, they shall be considered as having renounced to their registration.

**CHAPTER XI****FINAL PROVISIONS****Article 44:**

Any provision that is in conflict with the provisions of this law, shall be void.

**Article 45:**

This law shall be immediately promulgated.

Made in Phnom Penh the 18th November 1997

The Acting Chief Of State

Chea Sim

First Prime Minister

Ung Huot

Second Prime Minister

Hun Sen

The Co-Ministers of Interior

Sar Kheng

You Hockry