

KINGDOM OF CAMBODIA



Nation-Religion-King

THE CONSTITUTION OF THE KINGDOM OF CAMBODIA

*This Constitution was adopted
by the Constitutional Assembly in Phnom Penh
on September 21, 1993 at its 2nd Plenary Session.*

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PREAMBLE

WE, THE PEOPLE OF CAMBODIA

Having known a grand civilization of a prosperous, powerful, and glorious nation whose prestige radiates like a diamond,

Having endured sufferings and destructions and having experienced a tragic decline in the course of the two decades,

awakened, stood up with a resolute determination to strengthen the national unity, to preserve and defend Cambodia's territory and its precious sovereignty and the prestige of Angkor civilization, and to restore Cambodia into an "Island of Peace" based on a multi-party liberal democratic regime guaranteeing human rights and the respect of law, and responsible for the destiny of the nation always evolving toward progress, development, prosperity, and glory,

WITH THIS RESOLUTE WILL

We inscribe the following as the Constitution of the Kingdom of Cambodia:

CHAPTER I:	SOVEREIGNTY
CHAPTER II:	THE KING
CHAPTER III:	THE RIGHTS AND OBLIGATIONS OF KHMER CITIZENS
CHAPTER IV:	ON POLICY
CHAPTER V:	ECONOMY
CHAPTER VI:	EDUCATION, CULTURE, SOCIAL AFFAIRS
CHAPTER VII:	THE NATIONAL ASSEMBLY
NEW CHAPTER VIII:	THE SENATE
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NEW CHAPTER X:	THE ROYAL GOVERNMENT
NEW CHAPTER XI:	THE JUDICIARY
NEW CHAPTER XII:	THE CONSTITUTIONAL COUNCIL
NEW CHAPTER XIII:	THE ADMINISTRATION
NEW CHAPTER XIV:	THE NATIONAL CONGRESS
NEW CHAPTER XV:	EFFECTS, REVISION AND AMENDMENTS OF THE CONSTITUTION
NEW CHAPTER XVI:	TRANSITIONAL PROVISIONS

CHAPTER I: SOVEREIGNTY

Article 1:

Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and pluralism.

The Kingdom of Cambodia shall be independent, sovereign, peaceful, permanently neutral and non-aligned country.

Article 2:

The territorial integrity of the Kingdom of Cambodia, shall absolutely not to be violated within its borders as defined in the 1/100,000 scale map made between the year 1933-1953 and internationally recognized between the years 1963 - 1969.

Article 3:

The Kingdom of Cambodia is an indivisible state.

Article 4:

The motto of the Kingdom of Cambodia is: "Nation, Religion, King".

Article 5:

The official language and script are Khmer.

Article 6:

Phnom Penh is the capital of the Kingdom of Cambodia.

The national flag, anthem and coat-of-arms shall be defined in Annexes I-II and III

CHAPTER II: THE KING

Article 7:

The King of Cambodia shall reign but shall not govern.

The King shall be the Head of State for life. The King shall be inviolable.

Article 8:

The King of Cambodia shall be a symbol of unity and eternity of the nation.

The King shall be guarantor of the national independence, sovereignty, and territorial integrity of the Kingdom of Cambodia the protector of rights and freedom for all citizens and the guarantor of international treaties.

Article 9:

The King shall assume the august role of arbitrator to ensure the faithful execution of public powers.

Article 10:

The Cambodian monarchy shall be an appointed regime.

Article 11:

If the King cannot perform his normal duties as Head of State due to His serious illness, as certified by doctors chosen by the Chairman of the National Assembly and the Prime Minister, the Chairman of the National Assembly shall perform the duties of Head of State as "regent".

Article 11: (New)

If the King cannot perform His normal duties as Head of State due to His serious illness as certified by doctors chosen by the President of the Senate, President of the National Assembly and the Prime Minister, the President of the Senate shall perform the duties of Head of State as "Regent".

In case if the President of the Senate cannot perform duties as acting Head of State, in title as a "Regent", during the King's serious illness, as stated in the above paragraph, the president of the National Assembly shall perform this duty.

This position of Acting Head of State in place of the King in title as a "Regent", may be substituted by other dignitaries, in case as stated in the above paragraph, following the hierarchy as hereunder:

- 1- First Deputy President of the Senate.
- 2- First Deputy President of the National Assembly.
- 3- Second Deputy President of the Senate.
- 4- Second Deputy President of the National Assembly.

Article 12:

In case of the death of the king, the Chairman of the National Assembly shall take over the responsibility as Acting Head of State in the capacity of Regent of the Kingdom of Cambodia.

Article 12: (New)

In case of the death of the King, the President of the Senate shall take over the responsibility as Acting Head of State in the capacity of a Regent of the Kingdom of Cambodia.

If the President of the Senate cannot perform duty as Acting Head of State in place of the King during the King's dead, the taking over of responsibility as Acting Head of State in title as a "Regent", shall be in compliance with the paragraphs 2 and 3 of the amended article 11.

Article 13:

Within a period of not more than seven days, the new King of the Kingdom of Cambodia shall be chosen by the Royal Council of the throne.

The Royal Council of the Throne shall consist of:

- Chairman of the National Assembly
- Prime Minister
- Samdech the Chiefs of the Orders of Mohanikay and Thammayut
- The First and Second Vice-Chairman of the National Assembly

The organization and functioning of the Council of the Throne shall be determined by law.

Article 13: (New)

Within a period of not more than seven days, the new King of the Kingdom of Cambodia shall be chosen by the Royal Council of the Throne.

The Royal Council of the Throne shall consist of:

- The President of the Senate
- The President of the National Assembly
- The Prime Minister
- Samdech the Chiefs of the Order of Mohanikay and Thammayut
- The first and second Vice-President of the Senate
- The first and Second Vice-Presidents of the Assembly.

The organization and functioning of the Council of the Throne shall be determined by law.

Article 14:

The King of Cambodia shall be a member of the Royal family, of at least 30 years old, descending from the blood line of King Ang Duong, King Norodom or King Sisowath.

Upon enthronement, the King shall take the oath of allegiance as stipulated in Annex IV.

Article 15:

The wife of the reigning King shall have the royal title of Queen of Cambodia.

Article 16:

The Queen of the Kingdom of Cambodia shall not have the right to engage in politics, to assume the role of Head of State or Head of Government, or to assume other administrative or political roles.

The Queen of the Kingdom of Cambodia shall exercise activities that serve the social, humanitarian, religious interests, and shall assist the King with protocol and diplomatic functions.

Article 17:

The provision as stated in the first clause of Article 7, "the King of Cambodia shall reign but shall not govern", absolutely shall not be amended.

Article 18:

The King shall communicate with the assembly by royal messages. These Royal messages shall not be subjected to discussion by the National Assembly.

Article 18: (New)

The King shall communicate with the Senate and Assembly by Royal messages. These Royal messages shall not be subjected to discussion by the Senate and National Assembly.

Article 19:

The King shall appoint the Prime Minister and the Council of Ministers according to the procedures stipulated in Article 100.

Article 20:

The King shall grant an audience twice a month to the Prime Minister and the Council of Ministers to hear their reports on the State of the Nation.

Article 21:

Upon Proposals by the Council of Ministers, the King shall sign decrees (Kret) appointing, transferring or ending the mission of high civil and military officials, ambassadors and Envoys Extraordinary and Plenipotentiary.

Upon proposals by the Supreme Council of Magistracy, the King shall sign decrees (Kret) appointing, transferring or removing judges.

Article 22:

When the nation faces danger, the King shall make a proclamation to the people putting the country in state of emergency after agreement with the Prime Minister and the Chairman of the National Assembly.

Article 22: (New)

When the nation faces danger, the King shall make a proclamation to the people putting the country in a state of emergency after agreement with the Prime Minister and the President of the National Assembly and President of the Senate.

Article 23:

The King is the Supreme Commander of the Royal Khmer Armed Forces. The Commander-in-Chief of the Royal Khmer Armed Forces shall be appointed to command the Armed Forces.

Article 24:

The King shall serve as chairman of the Supreme Council of National Defense to be established by law.

The King shall declare war after approval of the National Assembly.

Article 24: (New)

The King shall serve as chairman of the Supreme Council of National Defense to be established by law.

The King shall declare war after approval of the National Assembly and Senate.

Article 25:

The King shall receive letters of credentials from ambassador or envoys extraordinary and plenipotentiary of foreign countries accredited to the Kingdom of Cambodia.

Article 26:

The King shall sign and ratify international treaties and conventions after a vote of approval by the National Assembly.

Article 26: (new)

The King shall sign and ratify international treaties and conventions after a vote of approval by the National Assembly and the Senate.

Article 27:

The King shall have the right to grant partial or complete amnesty.

Article 28:

The King shall sign the law promulgating the Constitution, laws (Kram) adopted by the National Assembly, and sign decrees (Kret) presented by the Council of Minister.

Article 28: (New)

The King shall sign the law (Kram) promulgating the Constitution and laws adopted by the National Assembly and Senate, and sign decrees (Kret) presented by the Council of Ministers.

When the King is sick and is to undergo a medical treatment abroad, the King may have right to delegate the signing power on the above laws (Kram) or decrees (Kret), to the Acting Head of State to sign on His behalf, through a royal message of delegation of authority.

Article 29:

The King shall establish and confer national medals proposed by the Council of Ministers. The King shall confer civil and military ranks as determined by law.

Article 30:

In the absence of the King, the President of the National Assembly shall assume the duty as acting Head of State.

Article 30: (New)

In the absence of the King, the President of the Senate shall assume the duties of Acting Head of State.

If the President of the Senate cannot perform duties as Acting Head of State in place of the King during his absence, the assumption of duties as the Acting Head of State, shall comply with the Sub-paragraphs 2 and 3 of the amended article 11.

CHAPTER III: THE RIGHTS AND OBLIGATIONS OF KHMER CITIZENS

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women's and children's rights.

Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Article 32:

Every Khmer citizen shall have the right to life, personal freedom, and security.

There shall be no capital punishment.

Article 33:

Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition.

Khmer citizens residing abroad enjoy the protection of the State.

The Khmer nationality shall be determined by a law.

Article 34:

Citizens of either sex shall enjoy the right to vote and to stand as a candidate for the election.

Citizens of either sex of at least eighteen years old, have the right to vote. Citizens of either sex of at least 25 years old, have the right to stand as candidates for the election.

Provisions restricting the right to vote and to stand for the election shall be defined in the Electoral law.

Article 34: (new)

Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election.

Khmer citizens of either sex of at least eighteen years old, have the right to vote.

Khmer citizens of either sex of at least 25 years old, have the right to stand as candidates for the election as members of the National Assembly.

Khmer citizens of either sex of at least 40 years old, have the right to stand as candidates for the election as members the Senate.

Provisions restricting the right to vote and to stand for the election shall be defined in the Electoral Law.

Article 35:

Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.

Any suggestions from the people shall be given full consideration by the grant of the State.

Article 36:

Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society.

Khmer citizens of either sex shall receive equal pay for equal work.

The work by housewives in the home shall have the same value as what they can receive when working outside the home.

Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.

Khmer citizens of either sex shall have the right to form and to be member of trade unions.

The organization and conduct of trade unions shall be determined by law.

Article 37:

The right to strike and to non-violent demonstration shall be implemented in the framework of a law.

Article 38:

The law guarantees there shall be no physical abuse against any individual.

The law shall protect life, honor, and dignity of the citizens.

The prosecution, arrest, or detention of any person shall not be done except in accordance with the law.

Coercion, physical ill-treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. Persons who commit, participate or conspire in such acts shall be punished according to the law.

Confessions obtained by physical or mental force shall not be admissible as evidence of guilt.

Any case of doubt, it shall be resolved in favor of the accused.

The accused shall be considered innocent until the court has judged finally on the case.

Every citizen shall enjoy the right to defense through judicial recourse.

Article 39:

Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.

Article 40:

Citizens' freedom to travel, far and near, and legal settlement shall be respected.

Khmer citizens shall have the right to travel and settle abroad and return to the country.

The rights to privacy of residence, and to the secrecy of correspondence by mail, telegram, fax, telex and telephone shall be guaranteed.

Any search of the house, material and body shall be in accordance with the law.

Article 41:

Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to effect the good traditions of the society, to violate public law and order and national security.

The regime of the media shall be determined by law.

Article 42:

Khmer Citizens shall have the right to establish associations and political parties. These rights shall be determined by law.

Khmer citizens may take part in mass organizations for mutual benefit to protect national achievement and social order.

Article 43:

Khmer citizens of either sex shall have the right to freedom of belief.

Freedom of religious belief and worship shall be guaranteed by the State on the condition that such freedom does not affect other religious beliefs or violate public order and security.

Buddhism shall be the religion of the State.

Article 44:

All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.

Legal private ownership shall be protected by law.

The right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

Article 45:

All forms of discrimination against women shall be abolished.

The exploitation of women in employment shall be prohibited.

Men and women are equal in all fields especially with respect to marriage and family matters.

Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.

Article 46:

The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited.

A woman shall not lose her job because of pregnancy. Woman shall have the right to take

maternity leave with full pay and with no loss of seniority or other social benefits.

The state and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.

Article 47:

Parents shall have the duty to take care of and educate their children to become good citizens.

Children shall have the duty to take good care of their elderly mother and father according to Khmer traditions.

Article 48:

The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.

The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

Article 49:

Every Khmer citizen shall respect the Constitution and laws.

All Khmer citizens shall have the duty to take part in the national reconstruction and to defend the homeland. The duty to defend the country shall be determined by law.

Article 50:

Khmer citizens of either sex shall respect the principles of national sovereignty, liberal multi-party democracy.

Khmer citizens of either sex shall respect public and legally acquired private properties.

CHAPTER IV: ON POLICY

Article 51:

The Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism.

The Cambodian people are the master of their own country.

All powers belong to the people. The people exercise these powers through the National Assembly, the Royal Government and the Judiciary.

The Legislative, Executive, and the Judicial powers shall be separate.

Article 51: (New)

The Kingdom of Cambodia adopts a policy of liberal democracy and pluralism.

The Cambodian people are the masters of their own country.

All powers belong to the people. The people exercise these powers through the National Assembly, Senate, Royal Government and the Judiciary.

The Legislative, Executive, and the Judicial powers shall be separate.

Article 52:

The Royal Government of Cambodia shall protect the independence, sovereignty, territorial integrity of the Kingdom of Cambodia, adopt the policy of national reconciliation to insure national unity, and preserve the good national traditions of the country. The Royal Government of Cambodia shall preserve and protect the law and ensure public order and security. The State shall give priority to endeavors which improve the welfare and standard of living of citizens.

Article 53:

The Kingdom of Cambodia adopts a policy of permanent neutrality and non-alignment.

The Kingdom of Cambodia follows a policy of peaceful co-existence with its neighbors and with all other countries throughout the world.

The Kingdom of Cambodia shall not invade any country, nor interfere in any other country's internal affairs, directly or indirectly, and shall solve any problems peacefully with due respect for mutual interests.

The Kingdom of Cambodia shall not join in any military alliance or military pact which is incompatible with its policy of neutrality.

The Kingdom of Cambodia shall not permit any foreign military base on its territory and shall not have its own military base abroad, except within the framework of a United Nations request.

The Kingdom of Cambodia reserves the right to receive foreign assistance in military equipment, armaments, ammunitions, in training of its armed forces, and other assistance for self-defense and to maintain public order and security within its territory.

Article 54:

The manufacturing, use and storage of nuclear, chemical or biological weapons shall be absolutely prohibited.

Article 55:

Any treaty and agreement incompatible with the independence, sovereignty, territorial integrity, neutrality and national unity of the Kingdom of Cambodia shall be annulled.

CHAPTER V: ECONOMY

Article 56:

The Kingdom of Cambodia shall adopt the market economy system. The preparation and process of this economic system shall be determined by the law.

Article 57:

Tax collection shall be in accordance with the law. The national budget shall be determined by law.

Management of the monetary and financial system shall be defined by law.

Article 58:

State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defense and other facilities determined as State property.

The control, use and management of State properties shall be determined by law.

Article 59:

The State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, air, wind, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forestry products, wildlife, fish and aquatic resources.

Article 60:

Khmer citizens shall have the right to sell their product. The obligation to sell products to the State, or the temporary use of private or State properties shall be prohibited unless authorized by law under special circumstances.

Article 61:

The State shall promote economic development in all sectors and remote areas, especially in agriculture, handicrafts, industry, with attention to policies of water, electricity, roads and means of transport, modern technology and a system of credit.

Article 62:

The State shall pay attention and help solve production matters, protect the price of products for farmers, crafters, and find marketplace for them to sell their products.

Article 63:

The State shall respect market management in order to guarantee a better standard of living for the people.

Article 64:

The State shall ban and severely punish those who import, manufacture sell illicit drugs, counterfeit and expired goods which affect the health and life of the consumers.

CHAPTER VI: EDUCATION, CULTURE, SOCIAL AFFAIRS

Article 65:

The State shall protect and upgrade citizens' rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens.

The State shall respect physical education and sports for the welfare of all Khmer citizens.

Article 66:

The state shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and quality to ensure that all citizens have equal opportunity to earn a living.

Article 67:

The State shall adopt an educational program according to the principle of modern pedagogy including technology and foreign languages.

The State shall control public and private schools and classrooms at all levels.

Article 68:

The State shall provide free primary and secondary education to all citizens in public schools.

Citizens shall receive education for at least 9 years.

The State shall disseminate and develop the Pali schools and the Buddhist Institute.

Article 69:

The State shall preserve and promote national culture.

The State shall Protect and promote the Khmer language as required.

The State shall preserve ancient monuments and artifacts and restore historic sites.

Article 70:

Any offense affecting cultural artistic heritage shall carry a severe punishment.

Article 71:

The perimeter of the national heritage sites as well as heritage that has been classified as world heritage, shall be considered neutral zones where there shall be no military activity.

Article 72:

The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities.

The State shall establish infirmaries and maternities in rural areas.

Article 73:

The State shall give full consideration to children and mothers. the State shall establish nurseries, and help support women and children who have inadequate support.

Article 74:

The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation.

Article 75:

The State shall establish a social security system for workers and employees.

CHAPTER VII: THE NATIONAL ASSEMBLY

Article 76:

The National Assembly consists of at least 120 members.

The deputies shall be elected by a free, universal, equal, direct and secret ballot.

The deputies may be re-elected.

Khmer citizens able to stand for election shall be the Khmer citizens of either sex who have the right to vote, at least 25 years of age, and who have Khmer nationality at birth.

Preparation for the election, procedure and electoral process shall be determined by an Electoral Law.

Article 77:

The deputies in the National Assembly shall represent the entire Khmer people, not only Khmers from their constituencies.

Any imperative mandate shall be nullified.

Article 78:

The legislative term of the National Assembly shall be 5 years and terminates on the day when the new National Assembly convenes.

The National Assembly shall not be dissolved before the end of its term except when the Royal government is twice deposed within a period of twelve months. In this case, following a proposal from the Prime Minister and the approval of the Chairman of the National Assembly, the King shall dissolve the National Assembly.

The election of a new National Assembly shall be held no later than 60 days from the date of dissolution. During this period, the Royal government shall only be empowered to conduct routine business.

In time of war or other special circumstances where an election cannot be held, the National Assembly may extend its term for one year at a time, upon the request of the King.

Such an extension shall require at least a two-third vote of the entire National Assembly.

Article 79:

The National Assembly mandate shall be incompatible with the holding of any active public function and of any membership in other institutions provided for in the Constitution, except when the assembly members (s) is (are) required to serve in the Royal Government.

In this circumstance, the said assembly member (s) shall retain the usual assembly membership but shall not hold any position in the Permanent Standing Committee and in other assembly commissions.

Article 80:

The deputies shall enjoy parliamentary immunity.

No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties.

The accusation, arrest, or detention of an assembly member shall be made only with the permission of the National Assembly or by the Standing Committee of the National Assembly between sessions, except in case of *flagrante delicto*. In that case, the competent authority shall immediately report to the National Assembly or to the Standing Committee for decision.

The decision made by the Standing Committee of the National Assembly shall be submitted to the National Assembly at its next session for approval by a 2/3 majority vote of the assembly members.

In any case, detention or prosecution of a deputy shall be suspended by a 3/4 majority vote of the National Assembly members.

Article 81:

The National Assembly shall have an autonomous budget to conduct its function.

The deputies shall have received a remuneration.

Article 82:

The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King.

Before taking office, the National Assembly shall decide on the validity of each member's mandate and vote separately to choose a Chairman, Vice-Chairmen and members of each Commission by a 2/3 majority vote.

All National Assembly members must take oath before taking office according to the text contained in Annex 5.

Article 83:

The National Assembly shall hold its ordinary session twice a year.

Each session shall last at least three months. If there is a proposal from the King or the Prime

Minister or at least 1/3 of the National Assembly members, the National Assembly Standing Committee shall call an extraordinary session of the National Assembly.

In this case, the agenda with the conditions of the extraordinary session, shall be disseminated to the population as well as the date of the meeting.

Article 84:

Between the National Assembly sessions, the National Assembly Standing Committee shall manage the work of the National Assembly.

The Permanent Standing Committee of the National Assembly consists of the Chairman of the National Assembly, the Vice-Chairmen, and the Chairmen of National Assembly Commissions.

Article 85:

The National Assembly sessions shall be held in the Royal Capital of Cambodia in the Assembly Hall, unless stipulated otherwise in the summons, due to special circumstances.

Except where so stipulated and unless held at the place and date as stipulated, any meeting of the National Assembly shall be considered as illegal and void.

Article 86:

If the country is in a state of emergency, the National Assembly shall meet every day continuously. The National Assembly has the right to terminate this state of emergency whenever the situation permits.

If the National Assembly is not able to meet because of circumstances such as the occupation by foreign forces the declaration of the state of emergency must be automatically extended.

During the state of emergency, the National Assembly shall not be dissolved.

Article 87:

The Chairman of the National Assembly shall chair the assembly session; receive draft bills and resolutions adopted by the National Assembly, ensure the implementation of the Internal Rules of Procedure and manage the assembly relations with foreign countries.

If the Chairman is unable to perform his/her duties due to illness or to fulfill the function of Head of State as interim or as a Regent, or is on a mission abroad, a Vice-Chairman shall replace him.

In case of resignation or death of the Chairman or the Vice-Chairman (men), the National Assembly shall elect a new Chairman or Vice-Chairman (men).

Article 88:

The National Assembly sessions shall be held in public.

The National Assembly shall meet in closed session at the request of the Chairman or of at least 1/10 of its members, of the King or of the Prime Minister.

The National Assembly meeting shall be considered as valid provided there is a quorum of 7/10 of all members.

Article 89:

Upon the request by at least 1/10 of its members the National Assembly shall invite a high ranking official to clarify important special issues.

Article 90:

The National Assembly shall be the only organ to hold legislative power. This power shall not be transferable to any other organ or any individual.

The National Assembly shall approve the national budget, State Plannings, loans, lendings and the creation, changes or annulment of tax.

The National Assembly shall approve Administrative Accounts.

The National Assembly shall approve the law on amnesty.

The National Assembly shall approve or annul treaties or international convention.

The National Assembly shall approve law on the declaration of war.

The adoption of the above-mentioned clauses shall be decided by a simple majority of the entire assembly membership.

The National Assembly shall pass a vote of confidence in the Royal Government by a 2/3 majority of all members.

Article 90: (New)

The Assembly shall be the organ to hold legislative power which shall fulfil its function as stipulated in the Constitution and laws in force.

The Assembly shall approve the national budget, the State Planning, the Loans, the Lendings, financial commitments, and the creation, changes or annulment of tax.

The Assembly shall approve Administrative Accounts.

The Assembly shall approve the law on amnesty.

The Assembly shall approve or annul treaties or international conventions.

The Assembly shall approve law on the declaration of war. The adoption of the above-mentioned clauses shall be decided by a simple majority of the entire assembly members.

The Assembly shall pass a vote of confidence in the Royal Government by a 2/3 majority of the entire assembly members.

Article 91:

The deputies and the Prime Minister shall have the right to initiate legislation.

The deputies shall have the right to propose any amendments to the laws, but, the proposals shall be unacceptable if they aim at reducing public income or increasing the burden on the people.

Article 91: (New)

The Senate members, deputies and the Prime Minister shall have the right to initiate legislation.

The deputies shall have the right to propose any amendment to the law (s), but, the proposal(s) shall not be unacceptable if they aim at reducing public income or increasing the burden on the people.

Article 92:

Laws adopted by the National Assembly which run counter to the principles of preserving national independence, sovereignty, territorial integrity, and affect the political unity or the administration of the nation shall be annulled. The Constitutional Council is the only organ which shall decide upon this annulment.

Article 93:

Any law approved by the National Assembly and signed by the King for its promulgation, shall go into effect in Phnom Penh 10 days after signing and throughout the country 20 days after its signing.

Law that are stipulated as urgent shall take effect immediately throughout the country after promulgation.

All laws promulgated by the King shall be published in the *Official Gazette* and published throughout the country in accordance with the above schedule.

Article 93: (New)

Any law approved by the Senate and Assembly and signed by the King for its promulgation, shall go into effect in Phnom Penh 10 days after signing and throughout the country 20 days after its signing. However, laws that are stipulated as urgent shall take effect immediately throughout the country after the date of promulgation.

All Laws promulgated by the King shall be published in the Journal Official and published throughout the country in accordance with the above schedule.

Article 94:

The National Assembly shall establish various necessary commissions. The organization and functioning of the National Assembly shall be determined by the Internal Rules of Procedure of the National Assembly.

Article 95:

In case of death, resignation, or dismissal of an assembly deputy at least 6 months before the end of the mandate, a replacement shall be appointed in accordance with the Internal Rules of Procedure of the National Assembly and the Electoral Law.

Article 96:

The deputies have the right to put a motion against the Royal Government. The motion shall be submitted in writing through the Chairman of the National Assembly.

The replies shall be given by one or several ministers depending on the matters related to the accountability of one or several ministers. If the case concerns the overall policy of the Royal Government, the Prime Minister shall reply in person.

The explanations by the ministers or by the Prime Minister shall be given verbally or in writing.

The explanations shall be provided within 7 days after the day when the question is received.

In case of verbal reply, the Chairman of the National Assembly shall decide whether to hold an open debate or not. If there is no debate, the answer of the minister or the Prime Minister shall be considered final. If there is a debate, the questioner, other speakers, the ministers, or the Prime Minister may exchange views within the time-frame not exceeding one session.

The National Assembly shall establish one day each week for questions and answers. There shall be no vote during any session reserved for this purpose.

Article 97:

The National Assembly commissions may invite any minister to clarify certain issues under his/her field of responsibility.

Article 98:

The National Assembly shall dismiss a member or members of the Royal Government or the whole Cabinet by the adoption of a motion of censure by 2/3 majority of the entire National Assembly.

The motion of censure shall be proposed to the National Assembly by at least 30 assembly members in order for the entire National Assembly to decide.

NEW CHAPTER VIII

THE SENATE

Article 99: (New)

The Assembly shall be the organ to hold legislative power which shall fulfil its function as stipulated in the Constitution and laws in force.

The number of members of the Senate shall be in maximum half of the entire members of the National Assembly.

Some of the Senate members shall be appointed and some others shall be elected by non-universal election.

Senate members may be re-appointed and re-elected. Those who may have right run in the election of members of the Senate, are Khmer citizens of both sexes of at least 40 years of age, who have Khmer nationality at birth and who have rights to vote.

Article 100: (New)

Two Senate members shall be appointed by the King.

Two Senate members shall be elected by comparative majority of votes.

The other Senate members shall be elected by the non-universal election.

Article 101: (New)

The organization procedure and functioning of the election of members of the Senate as well as the determination of voters, election body and constituencies, shall be provided for in a law.

Article 102: (New)

The Legislative term of the Senate shall be six years and shall terminate on the day the new Senate takes office.

In the circumstance where the country is in the state of war or other State of emergency (special circumstances?), which makes it impossible to conduct an election, the Senate may declare to extend its mandate once a year, following the proposal of the King.

This declaration of extension of mandate of the Senate, shall be decided by at least 2/3 of the members of the entire Senate.

In the circumstance as related above, the Senate shall meet everyday, continuously. The Senate may have the right to terminate the above state of emergency (special circumstances ?) whenever the situation permits.

If the Senate is unable to meet because of necessary reasons, such as the occupation by foreign forces, the declaration of the State of emergency (special circumstance?) must be automatically extended.

Article 103: (New)

The Senate mandate shall be incompatible with the holding of any active public function, function as member of the Assembly and of any membership in other institutions as provided for in the Constitution.

Article 104: (New)

The Senate shall enjoy parliamentary immunity.

No Senate member shall be subject to any prosecution, detention or arrest because of opinions expressed during the exercise of his/her function. Any accusation, arrest or detention of any member of the Senate may be made only with permission from the Senate or the Permanent Committee (Standing Committee) of the Senate, in periods between the Senate sessions, except in the case of flagrante delicto. In this latter case, the competent authority shall immediately report to the Senate or to the Permanent/ Standing Committee of the Senate for decision.

The decision made by the Permanent/Standing Committee of the Senate shall be submitted to the Senate at its next session for approval by a 2/3 majority vote of the whole Senate members.

In all the above cases, the detention or prosecution of any Senate member shall be suspended, after the Senate so expressed by a 3/4 majority vote of the members of the entire Senate.

Article 105: (New)

The Senate shall have an autonomous budget for conducting its function.

The Senate members shall receive a remuneration.

Article 106: (New)

The Senate shall hold its first Session, within no longer than 60 days after the election upon convening by the King.

Before taking office, the Senate shall proclaim the validity of each member's mandate and vote separately to choose a president, Vice-presidents of the Senate and members of each Commission, by 2/3 majority vote of the entire Senate.

All members of the Senate shall take oath of allegiance, before taking office as in the Annex 7 of the Constitution.

Article 107: (New)

The Senate shall hold its Ordinary Session twice a year.

Each Session shall last for at least 3 months. If there is a proposal from the King or a request from the Prime Minister or from at least 1/3 of the Senate members, the Senate may call an Extra-ordinary Session.

Article 108: (New)

Between the Senate Sessions, the Permanent Committee (Standing Committee) of the Senate shall undertake to manage the works of the Senate.

The Permanent Committee of the Assembly shall consist of: President of the Senate, Vice-Presidents of the Senate and Presidents of all Commissions of the Senate.

Article 109: (New)

The Sessions of the Senate, shall be held in the Royal Capital of the Kingdom of Cambodia, in the Senate hall, except when stipulated otherwise in the letters of summons due to special circumstances.

Except where so stipulated and unless held at the place and date as stipulated, any meeting of the Assembly shall be fully considered as illegal and void.

Article 110: (New)

The President of the Senate shall chair the Senate meetings, receive draft bills and resolutions adopted by the Senate, ensure the implementation of the Internal Rules of Procedure inside the Senate and manage the Senate relations with foreign countries.

If the President of the Senate is unable to perform his/her duty due to illness or to fulfil the functions of Head of State ad interim or as a Regent or is on a mission abroad, a Vice- President of the Senate shall replace him.

In case of resignation or death of the President or the Vice-President(s), the Senate shall elect a new President or Vice-President(s).

Article 111: (New)

The Senate Session shall be held in public.

The Senate may meet in closed Session, at the request of the President or of at least 1/10 of its members, of the King, the Prime Minister or of the President of the Assembly.

The Senate meetings may not be considered valid, provided there is a quorum of 7/10 of the entire Senate members.

The number of votes required for the adoption by the National Assembly as stated in this Constitution, shall also be applied for the Senate.

Article 112: (New)

The Senate shall have duty to coordinate works between the National Assembly and the Royal Government.

Article 113: (New)

The Senate shall examine and give out opinion within no longer than one month, on draft laws and proposed bills which have already been firstly adopted by the National Assembly and on various issues submitted to it by the National Assembly. If it is urgent, the above period shall be reduced to only 5 days.

If the Senate has given approval or none opinion, within the above specified period, the laws which were already adopted by the Assembly shall then be promulgated.

If the Senate requests to rectify on that draft law or proposed bill, the Assembly shall immediately consider it for the second time. The National Assembly shall consider and decide only on any provision or any point that are requested to rectify by the Senate, by abrogating the whole text or retaining some of its parts.

The sending back and forth between the National Assembly and the Senate, shall be done within a period of one month only. This period shall be reduced to only 10 days, if it is to consider and decide on the national budget and finance, and to only two days, if it is urgent.

If the National Assembly keeps it exceeding the above specified period or extends the specified period for its consideration, the periods in principle for both the Assembly and the Senate, shall accordingly be extended equally.

If the Senate rejects a draft law or proposed bill by nullifying it, the National Assembly may not take it for consideration for second time, before a period of one (1) month. This period shall be reduced to only fifteen (15) days, if it is to consider on the national budget or finance, and to only four (4) days,

if it is urgent.

When considering on a draft law or proposed bill for the second time, the National Assembly shall adopt by method of open vote and with a simple majority.

Any draft law or proposed bills which have been already decided as above, shall be promulgated.

Article 114: (New)

The Senate may create Commissions as necessary. The Organization and Functioning of the Senate shall be determined in the Internal Rules of procedure of the Senate. The Internal Rules of procedure of the Senate shall be adopted by a 2/3 majority of the entire members of the Senate.

Article 115: (New)

In case of decease, resignation or dismissal of a Senate member at least 6 months prior to the termination of the mandate, a replacement shall be appointed or elected following the conditions as determined in the Internal Rules of procedure of the Senate and in the Law on Organization and Election of Members of the Senate.

NEW CHAPTER IX THE CONGRESS OF THE ASSEMBLY AND SENATE

Article 116: (New)

When necessary, the National Assembly and the Senate may hold a meeting jointly as a Congress to solve major problems of the country.

Article 117: (New)

The major problems of the country as provided for in the article 116 above, as well as the Organization and Functioning of the Congress shall be determined by law.

NEW CHAPTER X THE ROYAL GOVERNMENT

Article 118: (Former article 99)

The Council of Ministers is the Royal Government of the Kingdom Cambodia.

The Council of Ministers shall be led by one Prime Minister assisted by Deputy Prime Ministers, and by State Ministers, Ministers, and State Secretaries who are its members.

Article 119: (Former article 100)

At the recommendation of the President and with the agreement of both Vice-Presidents of the Assembly, the King shall designate a dignitary from among the representatives of the winning party to form a Royal Government. This designate dignitary shall lead his colleagues members of the Assembly or political parties represented in the Assembly who are to be placed various positions in the Royal Government, to ask for a vote of confidence from the Assembly.

After the Assembly has given its vote of confidence, the King shall issue a Royal decree (Kret) appointing the entire Council of Ministers.

Before taking office, the Council of Ministers shall take an oath as stipulated in Annex 6.

Article 120: (Former article 101)

The functions of members of the Royal Government shall be incompatible with professional activities in trade or industry and with the holding of any position in the public service.

Article 121: (Former article 102)

Members of the Royal Government shall be collectively responsible to the Assembly for the overall policy of the Royal Government.

Each member of the Royal Government shall be individually responsible to the Prime Minister and the Assembly for his/her own conduct.

Article 122: (Former article 103)

Members of the Royal Government shall not use the orders, written or verbal, of anyone as grounds to exonerate themselves from their responsibility.

Article 123: (Former article 104)

The Council of Ministers shall meet every week in plenary session or in a working session.

The Prime Minister shall chair the plenary sessions.

The Prime Minister may assign a Deputy Prime Minister to preside over the working sessions.

Minutes of the Council of Ministers' meetings shall be forwarded to the King for His information.

Article 124: (Former article 105)

The Prime Minister shall have the right to delegate his power to a Deputy Prime Minister or to any member of the Royal Government.

Article 125: (Former article 106)

If the post of Prime Minister is permanently vacant, a new Council of Ministers shall be appointed under the conditions as stipulated in this Constitution. If the vacancy is temporary, an acting Prime Minister shall be provisionally appointed.

Article 126: (Former article 107)

Each member of the Royal Government shall be liable for punishment for any crime or misdemeanour that he/she has committed in the course of his/her duty.

In such cases and when he/she has committed serious offenses in the course of his/her duty, the Assembly shall decide to file charges against him/her with the competent court.

The Assembly shall decide on such matters through a secret vote by a simple majority thereof.

Article 127: (Former article 108)

The organization and functioning of the Council of Ministers shall be determined by law.

NEW CHAPTER XI THE JUDICIARY

Article 128: (Former article 109)

The Judicial power shall be an independent power.

The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens.

The Judiciary power shall cover all lawsuits including administrative ones.

The authority of the Judiciary shall be granted to the Supreme Court and to the lower courts of all sectors and levels.

Article 129: (Former article 110)

Trials shall be conducted in the name of the Khmer citizens in accordance with the legal procedures and laws in force.

Only judges shall have the right to adjudicate. A judge shall fulfil this duty with strict respect for the laws, wholeheartedly and conscientiously.

Article 130: (Former article 111)

Judicial power shall not be granted to the legislative or executive branches.

Article 131: (Former article 112)

Only the Department of the Public Prosecution shall have the right to file criminal suits.

Article 132: (Former article 113)

The King shall be the guarantor of the independence of the Judiciary. The Supreme Council of the Magistracy shall assist the King in this matter.

Article 133: (Former article 114)

Judges shall not be dismissed. The Supreme Council of the Magistracy shall take disciplinary actions against any delinquent judges.

Article 134: (Former article 115)

The Supreme Council of the Magistracy shall be established by an organic law which shall determine its composition and functions.

The Supreme Council of the Magistracy shall be chaired by the King. The King may appoint a representative to chair the Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall make proposals to the King on the appointment of judges and prosecutors to all courts.

The Supreme Council of the Magistracy shall meet under the chairmanship of the President of the Supreme Court or the General Prosecutor of the Supreme Court to decide on disciplinary actions against judges or prosecutors.

Article 135: (Former article 116)

The Statutes of judges and prosecutors and the functioning of the judiciary shall be defined in separate laws.

NEW CHAPTER XII THE CONSTITUTIONAL COUNCIL

Article 136: (New article)

The Constitutional Council shall have the duty to safeguard the respect for the Constitution, to interpret the Constitution, and the laws passed by the Assembly and examined by the Senate.

The Constitutional Council shall have the right to examine and decide on contested cases involving the election of Assembly members and Senate members.

Article 137: (Former article 118)

The Constitutional Council shall consist of nine members with a nine-year term. 1/3 of the members of the Council shall be replaced every three years. 3 members shall be appointed by the King, 3 members by the Assembly, and 3 others by the Supreme Council of the Magistracy.

The chairman shall be elected by the members of the Constitutional Council. He/she shall have a deciding vote in cases of equal votes.

Article 138: (Former article 119)

Members of the Constitutional Council shall be selected among the dignitaries with a higher-education degree in law, administration, diplomacy or economics and who have considerable work experience.

Article 139: (Former article 120)

The function of a Constitutional Council member shall be incompatible with that of a member of the Senate, member of the Assembly, member of the Royal Government, in-post judges, holding of any position in the public function, President or Vice-President of a political party, President or Vice-President of a trade-union.

Article 140: (Former article 121)

The King, the Prime Minister, the President of the Assembly, or 1/10 of the assembly members and President of the Senate or 1/4 of the Senate members shall forward draft bills already passed by the National Assembly to the Constitutional Council for examination before their promulgation.

The Assembly and Senate Rules of procedure and various organic laws shall be forwarded to the Constitutional Council for examination, before their promulgation. The Constitutional Council shall decide within no more than thirty days whether the above laws and the Internal Rules of procedure of the Assembly and of the Senate are constitutional.

Article 141: (Former article 122)

After a law is promulgated, the King, the President of the Senate, the President of the Assembly, the Prime Minister, 1/10 of the Senate members, 1/10 of the Assembly members or the courts, may ask the Constitutional Council to examine the constitutionality of that law.

Citizens shall have the right to appeal against the constitutionality of laws through their representatives or the President of the Assembly, members of the Senate or President of the Senate as stipulated in the above paragraph.

Article 142: (Former article 123)

Provisions in any article ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented.

The decision of the Council is final.

Article 143: (Former article 124)

The King shall consult with the Constitutional Council on all proposals to amend the Constitution.

Article 144: (Former article 125)

An organic law shall specify the organization and functioning of the Constitutional Council.

**NEW CHAPTER XIII
THE ADMINISTRATION**

Article 145: (Former article 126)

The territory of the Kingdom of Cambodia shall be divided into provinces and municipalities.

Provinces shall be divided into districts (srok) and districts into communes (khum).

Municipalities shall be divided into Khan and Khan into Sangkat.

Article 146: (Former article 127)

Provinces, municipalities, districts, khan, khum, and sangkat shall be governed in accordance with the conditions as stated in an organic law.

**NEW CHAPTER XIV
THE NATIONAL CONGRESS**

Article 147: (Former article 128)

The National Congress shall enable the people to be directly informed on various matters of national interests and to raise issues and requests for the State authority to solve.

Khmer citizens of both sexes shall have the right to participate in the National Congress.

Article 148: (Former article 129)

The National Congress shall meet once a year in early December at the convocation of the Prime Minister.

It shall proceed under the chairmanship of the King.

Article 149: (Former article 130)

The National Congress shall adopt recommendations for consideration by the State authorities, Senate and the Assembly.

The organization and functioning of the National Congress shall be defined by a law.

NEW CHAPTER XV

EFFECTS, REVISION AND AMENDMENTS OF THE CONSTITUTION

Article 150: (Former article 131)

This Constitution shall be the Supreme law of the Kingdom of Cambodia.

Laws and decisions by the State Institutions shall have to be in strict conformity with the Constitution.

Article 151: (Former article 132)

The initiative to review or to amend the Constitution shall be the prerogative of the King, the Prime Minister, the President of the Assembly at the suggestion of 1/4 of all the Assembly members.

Revision or amendments shall be enacted by a Constitutional law passed by the Assembly with a 2/3 majority vote of the entire Assembly members.

Article 152: (Former article 133)

Revision and amendments shall be prohibited when the country is in the state of emergency, as outlined in article 86.

Article 153: (Former article 134)

Any revision or amendment affecting the system of liberal and pluralistic democracy and the regime of Constitutional Monarchy shall be prohibited.

NEW CHAPTER XVI

TRANSITIONAL PROVISIONS

Article 154: (Former article 135)

This Constitution, after its adoption, shall be declared in force immediately by the King of the Kingdom of Cambodia.

Article 155: (Former article 136)

After the entry into force of this Constitution, the Constituent Assembly shall become the National Assembly.

The Internal Rules of Procedures of the Assembly shall come into force after adoption by the Assembly.

In the case where the Assembly is not yet functional, the President, the First and Second Vice-President of the Constituent Assembly shall participate in the discharge of duties in the Royal Throne Council if so required by the situation in the country.

Article 156: (Former article 137)

After this Constitution takes affect, the King shall be selected in accordance with conditions stipulated in the amended article 13 and the article 14.

Article 157: (Former article 138)

The first legislature of the Senate has a 5 year term and shall be terminated upon the new Senate takes the office.

For the first legislature of the Senate:

- The Senate has in total 61 members.
- The King shall appoint two members of the Senate and the President, first and second Deputy Presidents of the Senate.
- The other members of Senate shall be appointed by His Majesty the King, following the proposals of the President of the Senate, President of the National Assembly and Prime Minister among members of the political parties which have seats in the Assembly.

The meeting of the Assembly and the Senate in congress shall be chaired by the co-presidents.

Article 160: (Former article 139)

Laws and standard documents in Cambodia that safeguard State properties, rights, freedom and legitimate private properties and in conformity with the national interests, shall continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.

This Constitution was adopted by the Constitutional Assembly in Phnom Penh on 21 September 1993 at its 2nd Plenary session.

Phnom Penh, 21 September, 1993.

The President,

Signed: SON SAN