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# Cambodia's Constitution of 1993 with Amendments through 1999

WE, THE PEOPLE OF CAMBODIA

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

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

Having awakened, stood up with 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 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:

This complete constitution has been generated  
from excerpts of texts from the repository of the  
Comparative Constitutions Project, and distributed on  
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# Chapter I

## Sovereignty

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### Article 1

Cambodia is Kingdom with 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 is 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

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### 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 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

In the case that the King cannot perform His normal duties as Head of State owing to His serious illness as certified by doctors chosen by the President of the Senate, the President of the Assembly and the Prime Minister the President of the Assembly and Senate shall perform the duties of Head of state as "Regent"

In the case of the President of the Senate cannot perform his duties as the acting Head of State replacing the King as "Regent" when he is ill seriously as provided in the above paragraph the President of Assembly shall take them over.

In the case as stated in the above paragraph, other dignitaries as following hierarchy can perform Acting Head of State as Regent:

- A First Vice-President of the Senate
- B First Vice-President of the Assembly
- C Second Vice-President of the Senate
- D Second Vice-President of the Assembly

### Article 12

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

In the case that the President of the Senate cannot perform his duties of the acting Head of State as "Regent" in the place of the King on the death of the King the responsibilities of Head of State in the capacity of regent shall be exercised in conformity with the second and third paragraph of new Article 11.

## Article 13

Within period of not more than seven days, the Royal Council of Throne shall choose the new King of the Kingdom of Cambodia.

The Royal Council of the Throne shall consist of:

- The President of the Senate
- The President of the Assembly
- The Prime Minister
- The Chiefs of the Order Mohanikay and Thammayut
- The First and Second Vice-President of the Senate
- The First and Second Vice-President 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 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 subject to discussion by the Senate and the 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 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 proclamation to the people putting the country in state of emergency after agreement with the Prime Minister, the president of Assembly and the 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 Assembly and the 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 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 adopted by the National Assembly and laws completely reviewed by the Senate and shall sign the Royal decree presented by the Council of Ministers.

In the case that the King is serious illness and is hospitalized abroad, the King has the right to delegate the power of signing of the above laws and royal decrees to the Acting head of State through delegating writs.

## 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 Assembly Senate shall assume the duties of acting Head of State. In the case that the President of the Senate cannot perform his duties as the acting Head of State replacing the King due to his absence, the responsibilities as the Acting Head of State shall be exercised in conformity with second and third paragraph of new Article 11.

## Chapter III

# The Rights and Obligations of Khmer Citizens

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### 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 mutual agreement on extradition.

Khmer citizens residing abroad enjoy the protection of the State.

The Khmer nationality shall be determined by law.

### Article 34

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

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

Citizens of either sex at least twenty-five years old, have the right to stand as candidates for the election.

Citizens of either sex at least forty years old, have the right to stand as candidates for the election of senators.

Provisions restricting the right to vote and the right to stand as candidates of the election shall be determined by 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 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 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 affect 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

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### Article 51

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

The Cambodian people are the masters of their own country.

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

The legislative, executive, and 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 policy of permanent neutrality and non-alignment. The Kingdom of Cambodia follows 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 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

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### 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 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 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 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

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### 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 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 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 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 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 social security system for workers and employees.

## Chapter VII

# The National Assembly

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### Article 76

The National Assembly consists of at least 120 members.

The deputies shall be elected by 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 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 period of twelve months. In this case, following 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 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 time, upon the request of the King.

Such an extension shall require at least 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 flagrant 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 2/ majority vote of the assembly members.

In any case, detention or prosecution of deputy shall be suspended by 3/ 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 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 Chairman, Vice-Chairmen and members of each Commission by 2/ 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 year.

Each session shall last at least three months. If there is proposal from the King or the Prime Minister or at least 1/ 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 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 Regent, or is on mission abroad, Vice-Chairman shall replace him.

In case of resignation or death of the Chairman or the Vice-Chairman (men) the National Assembly shall elect 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 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 high ranking official to clarify important special issues.

## Article 90

The National Assembly is the only an organ which has legislative power, and performs its duties as provided for in the constitution and laws.

This power shall not be transferable to any other organ or individual.

The National Assembly shall approve the national budget, State planning, loans, financial contracts, and the creation, modification and annulment of tax.

The National Assembly shall approve administration accounts.

The National Assembly shall adopt the law on the general amnesty.

The National Assembly shall adopt or repeal treaties and International Convention.

The National Assembly shall adopt the law on proclamation of war.

The adoption of the above clauses shall be done by the absolute majority of all members of the entire National Assembly membership.

The National Assembly shall pass vote of confidence in the Royal Government by two-third majority of all members of the entire National Assembly membership.

## Article 91

The members of the Senate, the members of the National Assembly and the Prime Minister have the right to initiate legislation.

Deputies have the right to propose amendments to the laws but these proposals cannot be accepted 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 assembly and finally reviewed by the Senate and signed by the King for its promulgation shall go into effect in Phnom Penh ten days after its signing and throughout the country twenty days after its signing.

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

Laws that are signed by the King for its promulgation shall be published in the official journal and announced it to the public throughout the country.

## 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 months before the end of the mandate, 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 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 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 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 member or members of the Royal Government or the whole Cabinet by the adoption of motion of censure by 2/ 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.

## Chapter VIII

# The Senate

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### Article 99

The Senate is body that has legislative power and performs its duties as determined in the constitution and law.

The Senate consists of members the number of which does not exceed half of all of the members of the Assembly.

Some Senators shall be nominated and some shall be elected universally.

A Senator can be re-nominated and reelected.

### Article 100

The king shall nominate two Senators.

The Assembly shall elect two Senators by majority Vote.

Others shall be universally elected.

### Article 101

The organization and operating procedures concerning the nomination and election of the Senators and the determination of the electors, election organization and electoral constituencies shall be determined by law.

### Article 102

The term for Senators is six years and this term shall expire upon replacement by new Senators.

When the election of the Senator cannot be conducted due to war and special circumstances, the Senate can continue its term year by year upon the proposal of the King.

The declaration of continuity of its term shall be decided by at least two-third majority of all members of the senate.

In the circumstance described above the Senate shall assemble everyday. The Senate has the right to terminate the above situation with good reason.

If the Senate cannot assemble due to the invasion of foreign troops the proclamation of the state of emergency shall be continuously in effect automatically.

### Article 103

The mandate of senators shall be incompatible with the holding of any active public function, with the functions of members of the National Assembly, and of any membership in other institutions provided for in the constitution.

## Article 104

The Senator shall enjoy parliamentary immunity.

No Senator shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his or her duties.

The accusation, arrest, or detention of senator shall be made only with the permission of the Senate or by the Standing Committee of the Senate between sessions, except in the case of flagrant delicto. In that case the competent authority shall immediately report to the senate or to the Standing Committee for decision.

The decision made by the Standing Committee of the Senate shall be submitted to the Senate at its session for approval by two-thirds majority vote of all senators. In any case, detention or prosecution of Senator shall be suspended by three-quarters majority vote of all senators.

## Article 105

The Senate shall have an autonomous budget to conduct its functions.

Senators shall receive remuneration.

## Article 106

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

Before taking office, the Senate shall decide on the validity of each member's mandate and vote separately to choose president, Vice president and its members of each commission by two-third majority vote.

All Senators must take the oath before taking office according to the text contained in annex 7.

## Article 107

The Senate shall hold its ordinary sessions twice year. Each session shall last at least three months. If there is proposal from the king or the prime Minister, or at least one-third of the senate, the Senate standing Committee shall call an extraordinary session of the Senate.

## Article 108

Between the senate sessions, the Senate Standing Committee shall manage the work of the Senate.

The permanent Standing Committee of the Senate consists of the President of the Senate and the Vice-presidents and the Presidents of the senate commissions.

## Article 109

The Senate sessions shall be held in the Royal capital of Cambodia in the Senate Hall, unless stipulated otherwise in the summons, owing to special circumstances.

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

## Article 110

The president of the Senate shall chair the Senate sessions, receive draft bill and resolutions adopted by the senate, ensure the implementation of the internal rules of procedure and manage the senate's relations with foreign countries.

If the President is unable to perform his duties owing to illness or to fulfill the functions of Head of State as interim or as Regent, or is on mission abroad, Vice President shall replace him.

In case of resignation or death of the president or Vice Presidents, the Assembly shall elect new President or Vice Presidents.

## Article 111

The Senate sessions shall be held in public.

The Senate shall meet in closed session at the request of the President or of at least one-tenths of its members, of the King or of the Prime Minister or the President of Assembly.

The Senate meeting shall be considered as valid provided there is quorum of seven-tenths of all members.

The numbers of votes which are required for the Assembly approval as provided for in the constitution shall be applied to the Senate as well.

## Article 112

The Senate has the duties to coordinate the work between the Assembly and the Government.

## Article 113

The senate shall examine and give recommendation to draft or proposed law that was firstly adopted by the Assembly and other matters that the Assembly submitted within no more than one month. If it is an emergency case that duration shall be reduced to seven days.

If the Senate approves, or disapproves but not within the time limit stipulated above, the law adopted by the Assembly shall be promulgated.

If the Senate calls for the modification of the draft and the proposed law the Assembly shall take that draft and that proposed law into account second time immediately. The Assembly shall examine and decide whether to eliminate all or some of the provisions or any terms that the Senate calls for so doing.

The exchange of the draft or the proposed law between the Senate and the Assembly shall be done only within one month. This duration shall be reduced to ten days if it is the case of national budget or finance and the duration shall be reduced to only two days if it is an urgent case.

If the Assembly withholds for longer than the time stipulated or delays while inspecting the law the principle duration for the Assembly and the Senate shall be extended so that the time duration for both are equal.

If the Senate rejects the draft or the proposed law this draft or proposed law cannot be reviewed second time by the Assembly before one-month duration. This duration shall be reduced to fifteen days in the case of the national budget and finance cases and to four days if it is an urgent case.

In the examination of the draft and the proposed law second time the Assembly shall adopt same by open vote with an absolute majority.

The draft or the proposed laws adopted by the above method shall then be sent for promulgation.

## Article 114

The Senate shall establish necessary commissions. The organizing and the functioning of the Senate shall be provided for in the Internal Rules of the Senate. These internal rules shall be approved by two-third majority vote of all senators.

## Article 115

In the case of senator dying, resigning, or breaching the rules of membership of the senate, within at least six months before expiration of the term, the vacancy shall be filled by person appointed or elected according to the procedures stipulated in the internal rules of the Senate and the law on the election and nomination of senators.

## Chapter IX

# The Assembly and the Senate

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### Article 116

In the special case, the Assembly and the Senate can assemble as the congress to resolve the important issues of the nation.

### Article 117

The national issues mentioned above in new article 116 and the organizing and functioning of the congress shall be determined by Law.



## Chapter X

# The Royal Government

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### Article 118

The Council of Ministers is the Royal Government of 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 as members.

### Article 119

At the recommendation of the Chairman and with the agreement of both the Vice-Chairmen of the National Assembly, the King shall designate dignitary from among the representatives of the winning party to form the Royal Government. This designated representative along with other members chosen from the political parties or represented in the National Assembly, then present themselves to the National Assembly to ask for vote of confidence.

After the National Assembly has given its vote of confidence, the King shall issue 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

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

Members of the Royal Government shall be collectively responsible to the National 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 National Assembly for his/her own conduct.

### Article 122

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

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

The Prime Minister shall chair the plenary sessions.

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

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

### Article 124

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

## **Article 125**

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

## **Article 126**

Each member of the Royal Government shall be punished for any crimes or misdemeanors 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 secret vote by simple majority thereof.

## **Article 127**

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

## Chapter XI

# The Judiciary

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### Article 128

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 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

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

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

### Article 130

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

### Article 131

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

### Article 132

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

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

### Article 134

The Supreme Council of the Magistracy shall be chaired by the King. The King may appoint 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 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

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

## Chapter XII

# The Constitutional Council

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### Article 136

The Constitutional Council shall have the duty to safeguard respect of the constitution, interpret the Constitution and laws adopted by the National Assembly and reviewed completely by the Senate.

The Constitutional Council shall have the right to receive and decide on disputes concerning the election of deputies and the election of members of Senate.

### Article 137

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

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

### Article 138

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

### Article 139

The function of member of the Constitutional Council shall be incompatible with the functions of members of Senate, deputies, members of the royal government, sitting Judges, any function in public service, President or Vice-president of political party or President or Vice-president of union.

### Article 140

The King, The Prime Minister, The President of the National Assembly, 1/10 of the members of National Assembly, The President of the Senate, or 1/ of the members of Senate may send draft laws adopted by National Assembly to the Constitutional Council for review before promulgation.

Internal rules of the National Assembly, Internal rules of the Senate and other organizational laws shall be sent to the Constitutional Council for review before their promulgation. The constitutional council shall decide within thirty days (30) at the latest whether the above laws and internal rules of the National Assembly or the Senate are constitutional.

### Article 141

After promulgation of any law, the King, the President of the Senate, the President of the National Assembly, the Prime Minister, of members of Senate, 1/10 of members of National Assembly or the Courts may request the Constitutional Council to review the constitutionality of that law.

Khmer Citizens shall have the right to appeal against the constitutionality of any law through their representative or President of National Assembly or member of the Senate or President of the Senate as mentioned in the above articles.

## **Article 142**

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

The decision of the Constitutional Council is final.

## **Article 143**

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

## **Article 144**

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

## Chapter XIII

# The Administration

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### Article 145

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

Provinces, municipalities, districts, khan, khum and sangkat shall be governed in accordance with organic law.

## Chapter XIV

# The National Congress

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### Article 147

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

The National Congress shall meet once year in early December at the convocation of the Prime Minister. It shall proceed under the chairmanship of the King.

### Article 149

The National Congress adopts recommendations the Senate the National Assembly and to the Executive branch for reflection.

The organization and operation of the National Congress should be determined by law.

## Chapter XV

# Effects, Revisions and Amendments of the Constitutions

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### Article 150

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

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

Revision or amendments shall be enacted by Constitutional law passed by the National Assembly with 2/ majority vote.

### Article 152

Revisions or amendments shall be prohibited when the country is in state of emergency, as outlined in Article 86.

### Article 153

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



## Chapter XVI

# Transitional Provisions

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### Article 154

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

### Article 155

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

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

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

### Article 156

After this Constitution takes effect, the King shall be selected in accordance with conditions stipulated in articles 13(New) and 14.

### Article 157

After this constitution takes effect, and during the first legislature, the King of the Kingdom of Cambodia shall appoint First Prime-Minister and Second Prime Minister to form the Royal Government after securing the consent of the President and the two Vice Presidents of the Assembly.

The Co-Presidents existing before the adoption of this Constitution shall participate as members of the Committee and in the Throne Council as stipulated in article 11 and 13 above.

The first term of the Senate shall be years and shall be ended after the new Senate taking over the office.

For the first term of the Senate:

The total member of members shall be sixty-one.

The King shall appoint two members including the President the first Vice President the second Vice-President of the Senate.

Other members of the Senate shall be nominated by the king upon proposal by the president of Senate and President of National Assembly from among members of political parties which have seats in the National Assembly.

The joint meeting between the National Assembly and the Senate shall be conducted by both presidents of these institutions.

### Article 158

Laws and standard documents in Cambodia that safeguard State properties, rights, freedom and legal 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.