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CONSTITUTION

OF THE KINGDOM OF CAMBODIA

Preamble

WE, THE PEOPLE OF CAMBODIA

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

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

Having awakened, stood up with a resolute determination to strengt unity, to preserve and defend Cambodia's territory and its precious the prestige of Angkor civilization, and to restore Cambodia into an ' based on a multi-party liberal democratic regime guaranteeing hu the respect of law, and responsible for the destiny of the nation toward progress, development, prosperity, and glory,

WITH THIS RESOLUTE WILL

We inscribe the following as the Constitution of the Kingdom of Cam

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

CHAPTER I: SOVEREIGNTY

Article 1:

Cambodia is a Kingdom with a King who shall rule according to the to the principles of liberal democracy and pluralism.
The Kingdom of Cambodia shall be independent, sovereign, peace neutral and non-aligned country.

Article 2:

The territorial integrity of the Kingdom of Cambodia, shall absolute violated within its borders as defined in the 1/100,000 scale map of year 1933-1953 and internationally recognized between the years 19

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

Article 9:

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

Article 10:

The Cambodian monarchy shall be an appointed regime.

Article 11- New (As amended March 1999):

In the case that 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 Assembly and the Prime Minister the President 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 Head of State replacing the King as "Regent" when he is ill serious the above paragraph the President of Assembly shall take them over
In the case as stated in the above paragraph, other dignitaries in the 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- New (As amended March 1999):

In case of the death of the King, the President of the Assembly S over the responsibility as Acting Head of State in the capacity c Kingdom of Cambodia.

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

Article 13- New (As amended March 1999):

Within a period of not more than seven days, the Royal Council 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 sha by law.

Article 14:

The King of Cambodia shall be a member of the Royal family, of a old, descending from the blood line of King Ang Duong, King N Sisowath.

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

Article 15:

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

Article 16: The Queen of the Kingdom of Cambodia shall not h engage in politics, to assume the role of Head of State or Head of G assume other administrative or political roles.

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

Article 17:

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

Article 18- New (As amended March 1999):

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

Article 19:

The King shall appoint the Prime Minister and the Council of Minist 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 appointing, transferring or ending the mission of high civil and military ambassadors and Envoys Extraordinary and Plenipotentiary.

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

Article 22- New (As amended March 1999):

When the nation faces danger, the king shall make a proclamation putting the country in a state of emergency after agreement of 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 by the King and shall command the Armed Forces.

Article 24- New (As amended March 1999):

The King shall serve as Chairman of the Supreme Council of National Unity 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 ambassadors extraordinary and plenipotentiary of foreign countries accredited to Cambodia.

Article 26- New (As amended March 1999): The King shall ratify international treaties and conventions after a vote of approval of the Assembly and the Senate.

Article 27:

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

Article 28- New (As amended March 1999):

The King shall sign the law promulgating the Constitution; laws passed by the National Assembly and laws completely reviewed by the Senate and royal decrees presented by the Council of Ministers.

In the case that the King is seriously ill and is hospitalized abroad, the King shall have 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- New (As amended March 1999):

In the absence of the King, the President of the Assembly and the President of the Senate shall perform the duties of acting Head of State. In the case that the President of the Assembly or the President of the Senate is absent, the responsibilities as the Acting Head of State shall be performed by the President of the Assembly or the President of the Senate in the absence, the responsibilities as the Acting Head of State shall be performed in conformity with second and third paragraph of new Article 11.

CHAPTER III: THE RIGHTS AND OBLIGATIONS OF KHMER CITIZENS

Article 31:

The Kingdom of Cambodia shall recognize and respect human rights the United Nations Charter, the Universal Declaration of Human Rights, 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 freedom and fulfilling the same obligations regardless of race, color, religious belief, political tendency, birth origin, social status, wealth. The exercise of personal rights and freedom by any individual shall not affect the rights and freedom of others. The exercise of such rights shall be in accordance with the law.

Article 32:

Every Khmer citizen shall have the right to life, personal freedom, and there shall be no capital punishment.

Article 33:

Khmer citizens shall not be deprived of their nationality, exiled or deported to any foreign country unless there is a mutual agreement. Khmer citizens residing abroad enjoy the protection of the State. The Khmer nationality shall be determined by a law.

Article 34- New (As amended March 1999):

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

Khmer citizens of either sex at least eighteen years old have the right to be candidates for the election.

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

Provisions restricting the right to vote and the right to stand as candidates for election shall be determined by law.

Article 35:

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

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

Article 36:

Khmer citizens of either sex shall enjoy the right to choose their work according to 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 that received when working outside the home.

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

Khmer citizens of either sex shall have the right to form and to be members of 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 within 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 in accordance with the law.

Coercion, physical ill-treatment or any other mistreatment that im punishment on a detainee or prisoner shall be prohibited. Person participate or conspire in such acts shall be punished according to th Confessions obtained by physical or mental force shall not be admis 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 judg case.

Every citizen shall enjoy the right to defense through judicial recours

Article 39:

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

Article 40:

Citizens' freedom to travel, far and near and legal settlement shall b Khmer citizens shall have the right to travel and settle abroad ar country.

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

Any search of the house, material and body shall be in accordance w

Article 41:

Khmer citizens shall have freedom of expression, press, publicatio No one shall exercise this right to infringe upon the rights of othe good traditions of the society, to violate public law and order and na The regime of the media shall be determined by law.

Article 42:

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

Khmer citizens may take part in mass organizations for mutual b 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 t condition that such freedom does not affect other religious beliefs order and security.

Buddhism shall be the religion of the State.

Article 44:

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

Legal private ownership shall be protected by law.

The right to confiscate properties from any person shall be exerc public interest as provided for under the law and shall requir 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 mar matters.

Marriage shall be conducted according to conditions determined by l principle of mutual consent between one husband and one wife.

Article 46:

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

A woman shall not lose her job because of pregnancy. Woman shall take maternity leave with full pay and with no loss of seniority benefits.

The state and society shall provide opportunities to women, especially living in rural areas without adequate social support, so they can get 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 be good citizens.

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

Article 48:

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

The State shall protect children from acts that are injurious to their 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 referendum 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 liberal multi-party democracy.

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

CHAPTER IV: ON POLICY

Article 51- New (As amended March 1999):

The Kingdom of Cambodia adopts a policy of Liberal Democracy and 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 and territorial integrity of the Kingdom of Cambodia, adopt the policy of reconciliation to insure national unity, and preserve the good name of the country. The Royal Government of Cambodia shall preserve and ensure public order and security. The State shall give priority to policies which improve the welfare and standard of living of citizens.

Article 53:

The Kingdom of Cambodia adopts a policy of permanent neutral alignment. The Kingdom of Cambodia follows a policy of peaceful cooperation with its neighbors and with all other countries throughout the world.

The Kingdom of Cambodia shall not invade any country, nor interfere with the internal affairs of any other country.

country's internal affairs, directly or indirectly, and shall solve peacefully with due respect for mutual interests.

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

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

The Kingdom of Cambodia reserves the right to receive foreign assistance for self-defense and to maintain public order and security in 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, 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 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, forests, rivers, lakes, underwater, continental shelf, coastline, airspace, islands, rivers, lakes, forests, natural resources, economic and cultural centers, border 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, ecological system, mines, energy, petrol and gas, rocks and sand, forestry products, wildlife, fish and aquatic resources.

Article 60:

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

Article 61:

The State shall promote economic development in all sectors and especially in agriculture, handicrafts, industry, with attention to power, electricity, roads and means of transport, modern technology and credit.

Article 62:

The State shall pay attention and help solve production matters, products for farmers, crafters, and find marketplace for them to sell

Article 63:

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

Article 64:

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

CHAPTER VI : EDUCATION, CULTURE, SOCIAL AFFAIRS

Article 65:

The State shall protect and upgrade citizens' rights to quality education and shall take necessary steps for quality education to reach all citizens. The State shall respect physical education and sports for the welfare of citizens.

Article 66:

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

Article 67:

The State shall adopt an educational program according to the principles of pedagogy including technology and foreign languages. The State shall control public and private schools and classrooms at

Article 68:

The State shall provide free primary and secondary education to all schools. Citizens shall receive education for at least 9 years. The State shall disseminate and develop the Pali schools and the Buddhist

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

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 classified as world heritage shall be considered neutral zones where no military activity.

Article 72:

The health of the people shall be guaranteed. The State shall give priority to disease prevention and medical treatment. Poor citizens shall receive free 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. establish nurseries, and help support women and children who need support.

Article 74:

The State shall assist the disabled and the families of combatants who lost 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 who have the right to vote, at least 25 years of age, and with Khmer nationality at birth. Preparation for the election, procedure and electoral process shall be governed by an Electoral Law.

Article 77:

The deputies in the National Assembly shall represent the entire Kingdom of Cambodia 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 terminate on the day when the new National Assembly convenes. The National Assembly shall not be dissolved before the end of its term unless the Royal government is twice deposed within a period of twelve months. In such a case, following a proposal from the Prime Minister and the approval 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 after the date of dissolution. During this period, the Royal government shall 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 proposal of the Prime Minister and the approval of the King. Such an extension shall require at least a two-third vote of the National Assembly.

Article 79:

The National Assembly mandate shall be incompatible with the holding of any public function and of any membership in other institutions provided for in the Constitution, except when the assembly members (s) is (are) requested by the Royal Government. In this circumstance, the said assembly member (s) shall retain the membership but shall not hold any position in the Permanent Secretariat of the National Assembly and in other assembly commissions.

Article 80:

The deputies shall enjoy parliamentary immunity. No assembly member shall be prosecuted, detained or arrested because of an opinion expressed during the exercise of his (her) duties.

The accusation, arrest, or detention of an assembly member shall be with the permission of the National Assembly or by the Standing Committee of the National Assembly between sessions, except in case of flagrant delict the competent authority shall immediately report to the National Assembly 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 majority vote of the assembly members.

In any case, the arrest or prosecution of a deputy shall be subject to a majority vote of the National Assembly members.

Article 81:

The National Assembly shall have an autonomous budget to conduct its work. The deputies shall have received remuneration.

Article 82:

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

Before taking office, the National Assembly shall decide on the agenda of its members' mandate and vote separately to choose a Chairman, Vice-Chairman, 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 for a vote of confidence in the Prime Minister or at least 1/3 of the National Assembly members, the 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 shall consist of the Chairman of the National Assembly, the Vice-Chairmen, and the members of the National Assembly Commissions.

Article 85:

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

Except where so stipulated and unless held at the place and date announced, a 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 the state of emergency whenever the situation permits.

If the National Assembly is not able to meet because of circumstances such as occupation by foreign forces the declaration of the state of emergency shall 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 and the members shall draft bills and resolutions adopted by the National Assembly.

implementation of the Internal Rules of Procedure and manage relations with foreign countries.

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

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

Article 88:

The National Assembly sessions shall be held in public.

The National Assembly shall meet in closed session at the request of 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 that the quorum of 7/10 of all members.

Article 89:

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

Article 90- New (As amended March 1999):

The National Assembly is the only organ which has legislative power. It 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 financial contracts, and the creation, modification and annulment of laws. 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 Agreements.

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 members of the entire National Assembly membership.

The National Assembly shall pass a vote of confidence in the Royal Government. A vote of no confidence requires a two-third majority of all members of the entire National Assembly membership.

Article 91- New (As amended March 1999):

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

Deputies have the right to propose amendments to the laws but cannot be accepted if they aim at reducing public income or increasing taxes on the people.

Article 92:

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

Article 93- New (As amended March 1999):

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 to the public throughout the country.

Article 94:

The National Assembly shall establish various necessary committees. The organization and functioning of the National Assembly shall be determined by its internal rules of procedure.

Internal Rules of Procedure of the National Assembly.

Article 95:

In case of death, resignation, or dismissal of an assembly deputy a before the end of the mandate, a replacement shall be appointed in the Internal Rules of Procedure of the National Assembly and the Ele

Article 96:

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

The replies shall be given by one or several ministers depending related to the accountability of one or several ministers. If the ca overall policy of the Royal Government, the Prime Minister shall repl The explanations by the ministers or by the Prime Minister shall be in writing.

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

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

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

Article 97:

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

Article 98: The National Assembly shall dismiss a member or member Government or the whole Cabinet by the adoption of a motion of majority of the entire National Assembly.

The motion of censure shall be proposed to the National Assembly; assembly members in order for the entire National Assembly to deci

CHAPTER VIII : THE SENATE

Article 99- New (As amended March 1999):

The Senate is a body that has legislative power and perform determined in the constitution and law.

The Senate consists of members the number of which does not exceed 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- New (As amended March 1999):

The king shall nominate two Senators.

The Assembly shall elect two Senators by majority Vote.

Others shall be universally elected.

Article 101- New (As amended March 1999):

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

Article 102- New (As amended March 1999):

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

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

The declaration of continuity of its term shall be decided by a majority of all members of the senate.

In the circumstance described above the Senate shall assemble. The Senate has the right to terminate the above situation with good reason. If the Senate cannot assemble due to the invasion of foreign territory, a proclamation of the state of emergency shall be continuously in effect.

Article 103- New (As amended March 1999):

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

Article 104- New (As amended March 1999):

The Senator shall enjoy parliamentary immunity.

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

The accusation, arrest, or detention of a senator shall be made only with the permission of the Senate or by the Standing Committee of the Senate during its sessions, except in the case of flagrant delicto. In that case the committee shall immediately report to the senate or to the Standing Committee of the Senate. The decision made by the Standing Committee of the Senate shall be subject to the Senate at its session for approval by a two-thirds majority vote. In any case, detention or prosecution of a Senator shall be suspended until a two-thirds majority vote of all senators.

Article 105- New (As amended March 1999):

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

Article 106- New (As amended March 1999):

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

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

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

Article 107- New (As amended March 1999):

The Senate shall hold its ordinary sessions 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 one-third of the senate, the Senate shall hold an extraordinary session of the Senate.

Article 108- New (As amended March 1999):

Between the senate sessions, the Senate Standing Committee shall exercise the powers 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- New (As amended March 1999):

The Senate sessions shall be held in the Royal capital of Cambodia, unless stipulated otherwise in the summons, owing to special circumstances. Except where so stipulated and unless held at the place and date specified in the summons.

meeting of the Senate shall be considered as illegal and void.

Article 110- New (As amended March 1999):

The president of the Senate shall chair the Senate sessions, receive resolutions adopted by the senate, ensure the implementation of the procedure and manage the senate's relations with foreign countries. If the President is unable to perform his duties owing to illness or other reasons, the President shall be replaced by the Vice President. If the President is on a mission, the Vice President shall replace him.

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

Article 111- New (As amended March 1999):

The Senate sessions shall be held in public.

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

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

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

Article 112- New (As amended March 1999):

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

Article 113- New (As amended March 1999):

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

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

If the Senate calls for the modification of the draft and the President or the Assembly shall take that draft and that proposed law into account immediately. The Assembly shall examine and decide whether to accept or reject 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 President and the Assembly shall be done only within one month. This duration shall be reduced to only two 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 above, 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 shall be reviewed a second time by the Assembly before one-month. The duration shall be reduced to fifteen days in the case of the national budget or finance cases and to four days if it is an urgent case.

In the examination of the draft and the proposed law a 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 be promulgated.

Article 114- New (As amended March 1999):

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

Article 115- New (As amended March 1999):

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

CHAPTER IX: THE ASSEMBLY AND THE SENATE

Article 116- New (As amended March 1999):

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

Article 117- New (As amended March 1999):

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

CHAPTER X: THE ROYAL GOVERNMENT

Article 118- New (Previously Article 99):

The Council of Ministers is the Royal Government of Cambodia.

The Council of Ministers shall be led by one Prime Minister assisted by Ministers, and by State Ministers, Ministers, and State Secretaries as

Article 119- New (Previously Article 100):

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

After the National 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 according to Annex 6.

Article 120- New (Previously Article 101):

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

Article 121- New (Previously Article 102):

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- New (Previously Article 103):

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

Article 123- New (Previously Article 104):

The Council of Ministers shall meet every week in plenary session and in special session.

The Prime Minister shall chair the plenary sessions.

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

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

Article 124- New (Previously Article 105):

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

Article 125- New (Previously Article 106):

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

Article 126- New (Previously Article 107):

Each member of the Royal Government shall be punished for misdemeanors that he/she has committed in the course of his/her duty. In such cases and when he/she has committed serious offenses against his/her duty, the Assembly shall decide to file charges against him to a competent court.

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

Article 127- New (Previously Article 108):

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

CHAPTER XI : THE JUDICIARY

Article 128- New (Previously Article 109):

The Judicial power shall be an independent power

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

The Judiciary shall cover all lawsuits including administrative ones.

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

Article 129- New (Previously Article 110):

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

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

Article 130- New (Previously Article 111):

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

Article 131- New (Previously Article 112):

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

Article 132- New (Previously Article 113):

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

Article 133- New (Previously Article 114):

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

Article 134- New (Previously Article 115):

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

appoint a representative to chair the Supreme Council of the Magistracy. The Supreme Council of the Magistracy shall be chaired by the King. The King shall 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 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- New (Previously Article 116):

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

CHAPTER XII : THE CONSTITUTIONAL COUNCIL

Article 136- New (previously Article 117 and as amended March 2003):
The Constitutional Council shall have the duty to safeguard 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 petitions concerning the election of deputies and the election of members of the Senate.

Article 137- New (Previously 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 National Assembly and 3 members by the Supreme Council of the Magistracy.

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

Article 138- New (Previously Article 119):

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

Article 139- New (previously Article 120 and as amended March 2003):
The function of member of the Constitutional Council shall be incompatible with the functions of members of Senate, deputies, members of the royal court, sitting Judges, any function in public service, President or Vice-President of a political party or President or Vice-president of a union.

Article 140- New (previously Article 121 and as amended March 2003):
The King, The Prime Minister, The President of the National Assembly, members of National Assembly, The President of the Senate, or 1/4 of the 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 organizational laws shall be sent to the Constitutional Council for review before promulgation. The constitutional council shall decide within thirty days at the latest whether the above laws and internal rules of the National Assembly and Senate are constitutional.

Article 141- New (previously Article 122 and as amended March 2003):
After promulgation of any law, the King, the President of the Senate, the President of the National Assembly, the Prime Minister, 1/4 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 constitution through their representative or President of National Assembly or Senate or President of the Senate as mentioned in the above articles:

Article 142- New (Previously Article 123):
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- New (Previously Article 124):
The King shall consult with the Constitutional Council on all proposals for the Constitution.

Article 144- New (Previously Article 125):
An organic law shall specify the organization and operation of the Constitutional Council.

CHAPTER XIII: THE ADMINISTRATION

Article 145- New (Previously Article 126):
The territory of the Kingdom of Cambodia shall be divided into municipalities.
Provinces shall be divided into districts (srok) and districts into communes.
Municipalities shall be divided into Khan and Khan into Sangkat.

Article 146- New (Previously Article 127):
Provinces, municipalities, districts, khan, khum and sangkat shall be organized in accordance with organic law.

CHAPTER XIV: THE NATIONAL CONGRESS

Article 147- New (Previously Article 128):
The National Congress shall enable the people to be directly informed on matters of national interests and to raise issues and requests for them to be solved.
Khmer citizens of both sexes shall have the right to participate in the National Congress.

Article 148- New (Previously Article 129):
The National Congress shall meet once a year in early December at the invitation of the Prime Minister. It shall proceed under the chairmanship of the President of the National Congress.

Article 149- New (Previously Article 130):
The National Congress adopts recommendations of 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 TO THE CONSTITUTION

Article 150- New (Previously 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 accordance with the Constitution.

Article 151- New (Previously Article 132):

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 or of 1/4 of all the assembly members.

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

Article 152- New (Previously Article 133):

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

Article 153- New (Previously Article 134):

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

CHAPTER XVI: TRANSITIONAL PROVISIONS

Article 154- New (Previously Article 135):

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

Article 155- New (Previously Article 136):

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 upon adoption by the National Assembly.

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

Article 156- New (Previously Article 137 and as amended March 2005):

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

Article 157- New (Previously Article 138 and as amended March 2005):

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

The Co-Presidents existing before the adoption of this Constitution shall continue to perform their duties as members of the Committee and in the Throne Council as stipulated in articles 12 and 13 above.

The first term of the Senate shall be 5 years and shall be ended by the National Senate taking over the office.

For the first term of the Senate:

The total number of members shall be sixty-one.

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

Other members of the Senate shall be nominated by the king upon the recommendation of the President of Senate and President of National Assembly from among 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- New (Previously Article 139):

Laws and standard documents in Cambodia that safeguard State pi
freedom and legal private properties and in conformity with the n
shall continue to be effective until altered or abrogated by new tex
provisions that are contrary to the spirit of this Constitution.

This Constitution was adopted by the Constitutional Assembly in Ph
September 1993 at its 2nd plenary session.

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This Constitutional law was adopted by the National Assembly of
Cambodia on the 4th March, 1999 in its 2nd plenary meeting.

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