

Cambodia Constitution 1947

6 May 1947

WE,
 PREAH BAT SAMDECH PREAH
 NORODOM SIHANOUK VARMAN
 REACH HARIVONG UPATHO SUCHEAT
 VISOTHIPONG AKAMOHABORAS-RAT NIKARODOM
 THAMMIK MOHAREACHÉATHIREACH BAROMANEAT
 BAROMABOPIT PREAH CHAU KRUNG
 KAMPUCHEA THIPPADEY

The King of Cambodia, a self-governing State belonging to the French Union as an Associated State, grants our people within the treaties that bind Cambodia to France, the Constitution, the text of which follows.

1

NATURE AND FORM OF THE STATE

- 1.—Cambodia is a Monarchy.
- 2.—The official tongue is Cambodian.

French is the official language for proceedings concerning the French Union and its use is admitted in other cases until the Cambodian language is sufficiently enriched and adapted to the needs of a modern nation.

2

LIBERTIES, RIGHTS AND DUTIES OF CAMBODIANS

3.—Liberty is the power of doing everything that does not injure other people's rights. The conditions upon which that liberty can be exercised are stated by the Law.

No one can be compelled to do what the Law does not ordain.

4.—No one can be prosecuted, arrested, or detained except in cases determined by the Law and according to the forms it has prescribed.

No one can be kept into custody unless the lawfulness of his arrest be laid before a Magistrate and confirmed by his justified decision within the time stipulated by the Law.

Any useless harshness or coercion in the course of an arrest, any moral pressure or bodily cruelty towards a prisoner any treatment that increases the severity of the penalty lawfully to be applied to a condemned person are forbidden by the Law and engages the personal responsibility of their instigators, promoters or accomplices.

5.—Any accused person is presumed not guilty until he has been declared guilty.

Privative or restrictive penalties must direct towards the re-education of the offender.

6.—The Cambodians cannot be turned out of the Cambodian territory. They cannot be forbidden to stay in some locality or compelled to settle in a determined place except in cases stipulated by the Law.

7.—Property is under the protection of the Law.

No one can be deprived of his property except for reason of public necessity, in the cases established by the Law and after due indemnification.

- 8.**—Liberty of conscience is absolute. So is that of worshipping which suffers no other restrictions than those made necessary by the maintenance of Public order.
Buddhism is the State religion.
- 9.**—Every Cambodian is free to speak, write, print and publish. He may, either by way of the press or any other means express, spread, defend every opinion so long as he makes no unauthorized use of that right or does not tend to disturb the public order.
No demonstration of opinion can be imposed.
- 10.**—All Cambodians have a right to associate freely, unless their association endangers or tends to endanger the liberties guaranteed by the present Constitution.
They are also granted liberty of meeting.
- 11.**—The domicile is inviolable. No one may get in except in the cases specified by the Law and according to the forms it prescribes.
- 12.**—The secrecy of letters is inviolable, temporary derogations being explicitly provided for by the Law when the higher interest of the Nation makes it necessary.
- 13.**—All the Cambodians may equally aspire to all public offices, their own merit or efficiency being the only cause of preference.
- 14.**—Each Cambodian is entitled to send a written petition to the Constituted authorities, in order to provoke the study of problems of either private or collective interest.
- 15.**—The exercise of the rights warranted by the Present Constitution cannot be suspended. However when the nation is proclaimed in a State of emergency, the rights enumerated in the articles 4, 9, (1st paragraph), 10 (2nd paragraph) and

12, may be suspended within the limits and forms fixed by the Law.

That measure should not be taken for a period exceeding six months, to be renewed in the same form. Whoever misuses it, to injure arbitrarily the material or moral rights of others, will thus engage his own responsibility.

At the end of the period of exception, whoever thinks himself arbitrarily wronged in his person or his property may claim moral or material redress before the court.

- 16.**—Every Cambodian owes loyalty to the King, must respect the Laws, defend the country and help the government by paying his taxes and by all the means within the scope of the Law.

3

THE LAW AND POWERS

- 17.**—The Law is the expression of the will of the Nation. It applies to everyone, whether it protects, punishes or constrains.

Warranting to all the Cambodians the exercise of the liberties and rights enumerated in the preceding title, the Law cannot, in any circumstances, infringe upon them.

- 18.**—The Law guarantees to everyone the right to be rendered justice, and lack of means cannot oppose.

- 19.**—Save special stipulations explicitly provided for, the Law cannot have any retrospective effect.

No one however, can be judged and punished except after breaches of the Law stipulated by an act promulgated and made compulsory previous to those breaches.

- 20.**—An act is compulsory in Phnom-Penh a clear day after it has been published in the Gazette and everywhere else, within

the area of each Srok, five clear days after the Gazette, in which it is published, has come to the Salasrok.

However, in the case of emergency declared by the Law it is compulsory in Phnom-Penh immediately after it has been posted up at the Town Hall. And in each Srok immediately after it has been posted up at the Salasrok.

- 21.**—All the powers proceed from the King. They are exercised as it is stated in the present Constitution.
- 22.**—The legislative power is exercised in the name of the King by the National Assembly.
The initiative of the Laws belongs to the King, to the Cabinet Council, the Members of the National Assembly and the Council of the Kingdom.
- 23.**—The executive is exercised in the name of the King by the Ministers.
- 24.**—The judicial power is exercised in the name of the King by the Courts of justice of different degrees and jurisdictions.

4

THE KING

- 25.**—The throne of Cambodia is the heritage of the male descendants of King ANG-DUONG.
- 26.**—The King has the power, after a meeting of the crown Council to name an heir to the Throne as well as to cancel that nomination.
- 27.**—Should, during a vacancy of the Throne, an heir fail to be nominated thus by the King, the nomination is made by the Council of the Crown at the majority of votes, the President's being preponderant when the votes are equally divided.
- 28.**—The Council of the Crown comprises:

- (i) The President of the Board of guardians of the Royal Family.
- (ii) The Prime Minister.
- (iii) The President of the National Assembly.
- (iv) The President of the Council of the Kingdom.
- (v) The two leaders of the religious sects.
- (vi) The President of the High Court of justice.

The chair of that council is entrusted to the President of the board of guardians of the Royal Family.

29.—The King comes of age at eighteen. If the King is under age or unable to exercise his prerogatives, these will be exercised by a Regent.

This incapacity is established by the council of the Crown that appoints the Regent chosen among the members of the Royal Family.

30.—In case of a vacancy of the Throne and failing the appointment of an heir, the Council of the Crown must meet within the three days that follow the event which has caused that vacancy in order to name the new Sovereign as well as the Regent, should the new King be under age.

The members of the Council of the Crown are summoned to that meeting by their President or failing this, meet on the third of the days referred to in the preceding paragraph.

If it is for establishing the incapacity of the Sovereign, the Council of the Crown is summoned by the President either on his own initiative or at the request of at least two members, in order to take a decision about that incapacity and, if need be, to appoint a Regent.

31.—Within eight days after a change of Sovereign, the National Assembly must sit to receive the oath of the King or the Regent.

- 32.**—Before assuming His powers, the King takes the following oath within the National Assembly:
“I swear to keep the Constitution and the Laws of the Kingdom, and to devote myself to the welfare of the State and the people.”
- 33.**—The Regent takes up his duties only after taking in the National Assembly the oath prescribed by the preceding article with this addition “and be true to the King.”
- 34.**—From the day of the vacancy of the Throne until the moment the new King or the Regent has taken his oath, the powers of the Head of the State are exercised by the President of the National Assembly under his own responsibility. Should the King be temporarily absent from Cambodia, or be temporarily unable to exercise his powers, He entrusts these powers to a council, the President and members of which, chosen outside the Members of the government, are appointed by Him.
- 35.**—The King is the supreme Head of the State. His person is sacred.
- 36.**—The King promulgates the Laws in accordance with the conditions fixed by article 78 of the present Constitution. Within the time limit stipulated for that promulgation the King may, by a justified message, summon the National Assembly and the Council of the Kingdom for a new deliberation that cannot be refused.
- 37.**—The King communicates with the National Assembly and the Council of the Kingdom through messages.
- 38.**—The King summons the National Assembly in accordance with the stipulations of articles 58 and 59 of the present Constitution. He has the right to dissolve it upon the motion

of the Cabinet Council. That dissolution cannot be pronounced more than once for the same reason.

In case of dissolution of the Assembly new elections must take place within two months.

- 39.—The King chooses the Prime Minister and constitutes him as well as the Ministers proposed by the Prime Minister.
- 40.—The King is entitled to take the chair at the Cabinet Council. He receives the official statements of the sittings of that Council.
- 41.—Each of the King's acts, except those concerning the domestic affairs in the King's palace must bear the counter signature of the Prime Minister and that of one or several Ministers.
- 42.—The King creates and grants the civil and military ranks. He is the Grand Master of all the orders of the Kingdom and makes the nominations in these orders.
- 43.—The King appoints the Magistrates upon the motion of the High council of Magistracy.
- 44.—The King has the right of pardon and commutation of a sentence.
- 45.—The King is the Supreme Commander of the Royal Forces.
- 46.—The King signs the treaties concluded with France and the other Associated States of the French Union and ratifies them by virtue of a vote of the National Assembly. He appoints the personalities entrusted with offices or diplomatic missions in the foreign countries.
- 47.—The King has the right to delegate His powers relating to the granting of civil and military ranks and the signing of the treaties.

THE NATIONAL ASSEMBLY

48.—Any Cambodian citizen, who is fully 20 years old is an elector, provided that he is not deprived of his civil rights and that he fulfils the conditions determined by the Electoral Law.

Soldiers and officers on the active list can neither be electors nor eligible. It is the same for the monks on account of the Buddhist dogmas.

49.—Electors who are at least 25 years old are eligible. The cases of ineligibility are fixed by the Electoral Law.

The mandate of Deputy is incompatible with the exercise of any public office in active service.

50.—The deputies at the National Assembly are elected for a period of four years, at the direct and universal suffrage.

The powers of an Assembly end when the new Assembly takes up its duties. Whenever the circumstances make it impossible, at the end of a legislature, to make new elections, the King may keep in office that legislature for periods of one year.

In case of the decease, resignation or exclusion of a deputy, the vacancy will be filled according to the Law.

51.—Before proceeding with its duties the Assembly must validate its members.

52.—At the opening of each legislature, and before taking up their duties, the members of the Assembly whose mandate is validated, take at the meeting of the House, and in the presence of the King, the following oath:

“I swear to be true to the King and to the Constitution and to bear all my efforts to the welfare of the country”.

The deputies elected in the course of a legislature and whose mandate is validated, take the oath in the presence of the King, at the next Tang-Toe, together with the officials.

53.—The members of the National Assembly are the representatives of the whole Cambodian Nation and not only of those by whom they have been elected. They cannot be bound by any imperative mandate.

54.—No deputy can be prosecuted, wanted, arrested, taken into custody and tried for the opinions or votes expressed by him while assuming the charges of his office.

The stipulations of the preceding paragraph constitute the immunity of the members of the Assembly from arrest.

55.—During his mandate no deputy can be prosecuted or arrested for criminal or minor offence unless it is sanctioned by the National Assembly; except in the case of *flagrante delicto*. The detention or prosecution of a deputy is suspended if the Assembly applies for it at the majority of four-fifths of its members.

56.—Any deputy who during his mandate incurs a penalty entailing the incapacity of being elected, forfeits his quality of a member of the Assembly. This forfeiture is pronounced by the Assembly.

57.—The deputies receive emoluments, fixed by reference to the salary of a class of civil servants.

58.—The Assembly sits in normal session twice a year at least. Each of those sessions lasts at least three months. One of them takes place in September.

For an ordinary session the Assembly is summoned by the King.

59.—The Assembly is summoned for a special session by its Board either by the King's orders, or on the motion of the

Cabinet Council, or at the request made by at least one-third of the Assembly. The order of the day of those sittings is published at the same time as the date of the summons.

- 60.**—The sittings of the Assembly take place in the Capital of the Kingdom and in a specially fitted up hall, unless it be decided differently in the act of summons, on account of the circumstances.
- 61.**—Besides the cases provided for by the above articles, any meeting of the Assembly outside the appointed place and the lawful time is illicit and lawfully null.
- 62.**—At the opening of each session the King reads or has a message read to the Assembly.
- 63.**—The Assembly works out the orders of the House.
- 64.**—The National Assembly alone passes the acts. It may not delegate that right.
- 65.**—Amnesty can be granted only by an act of grace.
- 66.**—The National Assembly votes the budget of the nation, and passes the administrative accounts. It votes also the national loans.
- However the Government alone holds the initiative of the estimates for the staff. The Assembly besides, is not qualified to discuss the amount of supplies of the National Budget granted as a subsidy to the Crown estimates.
- 67.**—The debates of the National Assembly are valid only as far as two-thirds of the members are present.
- 68.**—The debates of the Assembly are public. However the National Assembly may decide, by a vote made at the request of the government, of the President of the Assembly or of at least five members, to hold a secret sitting.
- The accounts of the debates of the public sittings will be published in the Gazette.

69.—Should, during the same period of eighteen months, two cabinet crises occur in the conditions stated in the articles 84 and 85 hereunder, the dissolution of the National Assembly may be decided within the Cabinet Council, the opinion of the President of the Assembly being previously given. The dissolution will then be pronounced by the King in accordance with that decision.

The stipulations of the above paragraph can be applied only at the end of the first eighteen months of the Legislature.

6

THE COUNCIL OF THE KINGDOM

70.—The council of the Kingdom is composed of appointed members and members that are elected at the restricted suffrage. The members must be at least 40 years old.

The mandate of Councillor of the Kingdom is incompatible with that of deputy.

71.—The appointed members are two. They are appointed by the King and chosen from the Royal Family.

72.—Two members are elected by the National Assembly at the relative majority, the members of the Assembly not being eligible.

73.—Eight members, each representing a Region or the Town of Phnom-Penh are elected at the restricted and indirect suffrage by the Province councillors for the representatives of the Regions, and by the chiefs of the town districts and the common councilmen for the representative of Phnom-Penh.

The seven regions thus called upon, each to elect its own representative are composed as follows:

- (i) Region-Provinces of Battambang and Siemreap.

- (ii) Region-Provinces of Pursat and Kompong-Chhnang.
 - (iii) Region-Provinces of Kompong-Thom and Kompon-Cham
 - (iv) Region-Provinces of Krati and Stung-Treng
 - (v) Region-Provinces of Prey-Veng and Svairieng.
 - (vi) Region-Provinces of Kandal and Kompong-Speu.
 - (vii) Region-Provinces of Takeo and Kampot.
- 74.**—Eight members representing the different trades and professions are elected at the direct suffrage and by letters. It is the same for four members representing the civil servants.
- 75.**—The organisation of the Council, the forms and conditions of the nominations and the election of its members will be fixed by a special Act.
- 76.**—The Councillors of the Kingdom hold their mandate for four years. The Council is summoned and sits at the same time as The National Assembly.
- 77.**—Articles 49 (second paragraph) 51, 52, 54, 55, 56, 57, 63 and 68 of the present Constitution may be applied to the Council of the Kingdom.
- 78.**—The Council of the Kingdom examines for advice the Bills that have passed first reading at the National Assembly as well as all the questions which are laid before it by the Government.
- For the Bills and motions as well as for the Law of the Budget, the Council gives its opinion within a month at the latest. In case of emergency, that time limit is only five days. If the Council agrees, or if it has not said so within the fixed time limit, the act is promulgated in the text voted by the National Assembly within ten days.

That time limit may be reduced to two days in case of emergency. If the Council of the Kingdom proposes amendments the Assembly examines them immediately on second reading. Should the bills and motions be purely and simply turned down by the Council of the Kingdom, they cannot be examined by the Assembly on second reading before one month. The text, passed on second reading at public division at the absolute majority of the members of the Assembly, is promulgated within ten days.

7

THE MINISTERS

79.—The Cabinet Council constitutes the Royal government. It comprises at the utmost twelve members, the Secretaries of State included.

There is no incompatibility between the parliamentary mandate and the office of Minister. The Ministers may be taken indifferently within the Parliament or without.

80.—At the beginning of each legislature, or after the resignation of a Cabinet, the King, after consulting with the President of the National Assembly, the President of the Council of the Kingdom and the leaders of the parties, appoints the Prime Minister who chooses the other Ministers. The Ministers are appointed and take up their functions only after obtaining a vote of confidence at a public division and at the absolute majority of the National Assembly.

81.—The Ministers are collectively responsible, before the National Assembly, for the general policy of the Cabinet and each one of them is personally responsible for his private deeds before the Prime Minister.

- 82.**—The Ministers cannot allege any written or verbal order to elude their responsibility.
- 83.**—The Ministers must account before the National Assembly for the administration of their department when the request is made by one or several deputies, in the form of verbal or written questions or interpellation.
- 84.**—A vote of confidence may be asked for only after a resolution of the Cabinet Council. It cannot be asked for except by the Prime Minister.
- The vote of confidence can take place only a full day after it has been asked for before the Assembly.
- It is made by public division. The confidence can be refused to the Cabinet only at the absolute majority of the deputies at the Assembly.
- This refusal involves the collective resignation of the Cabinet.
- 85.**—The vote of a motion of disapproval by the National Assembly involves the collective resignation of the Cabinet.
- That vote can take place only a full day after the motion has been introduced. It is made at a public division. The motion of disapproval can be passed only at the absolute majority of the members at the Assembly.
- 86.**—The Cabinet Council meets each week, either in full Assembly, with the King or the Prime Minister in the chair, or for a sitting of studies.
- 87.**—The Ministers have free admittance to the two Houses and their committees. They are entitled to be listened to whenever required.
- They can be supported in the discussion by commissaries appointed to that effect.

- 88.**—The Prime Minister may delegate his powers to one Minister.
- 89.**—The office of Prime Minister being vacant, it must be proceeded to the appointment of a new Cabinet in accordance with the stipulations of the present Constitution if that vacancy is final, or to the nomination of a Deputy President by the Council if that vacancy is to be temporary.
- 90.**—In case of dissolution of the National Assembly, the Cabinet, with the exception of the Prime Minister and the Minister of the Interior, remain in office to carry on the ordinary business.
- The King then commissions the President of the Assembly to assume the office of Prime Minister. And this one appoints the new Minister of the Interior with the agreement of the Board of the Assembly.
- 91.**—The Ministers who are not members of Parliament have the benefit of the advantages fixed by articles 54 and 55 of the present Constitution.
- 92.**—The Ministers are penally responsible for the crimes and offences committed in the discharge of their offices. In that case, and that of serious misdeeds in the discharge of their offices, the National Assembly may decide to lay the affair before the High Court of Justice. The Assembly decides on that subject by secret decision and at the absolute majority of the members composing it, with the exception of those who are called upon to participate in the prosecution, the inquiry and the trial.
- 93.**—The High Court of Justice comprises five members, among which there are two High Magistrates, one member elected by the National Assembly and two members elected by the Council of the Kingdom.

Those members are elected at the beginning of each legislature and for the length of time it lasts.

- 94.**—The form of appointment and the continuance of the mandate of the two High Magistrates, members of the High Court, the organisation of that Court of Justice and the proceeding to be taken before it are fixed by a special Act.

8

THE JUDICIAL POWER

- 95.**—The judicial organisation is ruled by a special Law.

- 96.**—A High Council of Magistracy guarantees, according to the Law, the discipline and independence of the Magistrates. That council is composed of:

- (i) The Minister of Justice Chairman.
- (ii) Two members appointed by the King.
- (iii) Two members elected by the National Assembly.
- (iv) Two members elected by the Magistrates.

The decisions of the High Council of Magistracy are taken at the majority of the votes: the President's preponderating in case of the votes being equally divided.

A special Law shall fix the organisation of that Council.

9

GENERAL PROVISIONS

- 97.**—The provisions referring to the Monarchic form of the State, to the representative character of the system of government and the principles of liberty and equality guaranteed by the present Constitution cannot be subjected to any motion of revision.

- 98.**—No revision can bring about the limitations of the rights reserved to the Royalty by the present Constitution.
- 99.**—The initiative of the revision of the Constitution belongs to the King, the Prime Minister and the Presidents of the two Houses, these last taking steps after a favourable vote of the House which they preside over, made at the request of at least one-quarter of the members of that House.
- 100.**—The procedure of revision of the Constitution is identical with that fixed for the vote of ordinary acts.
However, a majority of three-quarters is required of the National Assembly and a case of emergency cannot be declared.
- 101.**—The right of interpretation of the Constitutional texts belongs without appeal to the National Assembly.
- 102.**—For determining the absolute majority of the members of a House, the deceased members, those who have given in their resignation, who have been dismissed or unseated, who belong to the government or who have been detached on a mission, are not taken into account.
- 103.**—All similar provisions not contrary to the present Constitution remain in force.

10

TRANSITORY PROVISIONS

- 104.**—Until the new organisms provided for by the present Constitution be ready to work lawfully, and as the provisions made in view of the intervention of those organisms cannot be brought into force, the present ways will be followed up, considerations being made, if need be, for the constitutional

articles already suitable which modify or determine those ways.

105.—Especially as an application of the general rule fixed by the above article and during the whole above mentioned period.

In case of a vacancy of the Throne, from the date of that vacancy and until the nomination of the new Sovereign, and Regent if necessary, the powers of Head of the State would be assumed by the Prime Minister.

The right of interpretation of the constitutional texts shall belong to the King within the Cabinet Council.

106.—On account of the risks incurred by using straight off the full parliamentary system established by the present Constitution, when the National Assembly and the Council of the Kingdom are lawfully apt to assume their functions and until a date that shall be fixed by a special Law voted on a motion of the Cabinet Council, the King shall be empowered on the Cabinet Council's motion to defer the promulgation of any act voted by the National Assembly or to modify its clauses.

That decision can be taken only after the King has used his right to summon the Parliament for a new discussion of the act concerned, as stipulated by article 36 of the present Constitution.

The period of application of the clauses stipulated by the above paragraph shall be at least six months, without the possibility of exceeding the normal limit of the first legislature.

107.—During the period referred to in the above article, any personality commissioned by the King to form a new Cabinet shall draw up the list of the members of his Cabinet, for its presentation before the National Assembly only after

obtaining the King's agreement as to the names entered on that list.

Done in our Royal Palace in Phnom-Penh.

6 May 1947

Signed: *NORODOM SIHANOUK*