

**KINGDOM OF CAMBODIA**  
**Nation Religion King**



**The Constitutional Council**

**CASE**

N° 169/007/2009

Of December 16, 2009

**Decision**

N° 107/003/2009 CC.D

Of December 23, 2009

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998 promulgating the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0107/005 of January 31, 2007 promulgating the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen the December 15, 2009 letter N° 960 N.A. of **Samdech Akka Maha Ponhea Chakrei HENG SAMRIN**, President of the National Assembly, requesting the Constitutional Council to interpret the Article 4 and the Article 43 of the Constitution, in reference to the December 13, 2009 request N° 065/09 ស.ន.ក.ជ from the President of the Council of the Buddhist Sangha of the Kingdom of Cambodia, letter received by the Secretariat General of the Constitutional Council on December 16, 2009 at 02:30 pm.

**Having heard the rapporteur,**

**Having deliberated in compliance with the law,**

- Whereas the December 15, 2009 letter N° 960 N.A. of **Samdech Akka Maha Ponhea Chakrei HENG SAMRIN**, President of the National Assembly, requesting the Constitutional Council to interpret the Article 4 and the Article 43 of the Constitution, and made in accordance with the Articles 136 (New), 141 (New) of the Constitution and the Articles 15 (New), 18 (New) of the Law on the Organization and the Functioning of the Constitutional Council, is admissible;

- Whereas the Article 4 of the Constitution stipulated that “the motto of the Kingdom of Cambodia is Nation, Religion, King.” The motto of the Kingdom of Cambodia is only a condensed formula, specifying the objectives determining the activities of the persons, including individuals and legal entities domiciled with an address in the Kingdom of Cambodia. All those persons shall respect the Nation, the Religion and the King. Concerning the religious practices, they are stipulated in the provisions of the various articles of the Constitution.
- Whereas the Article 43 provides for the right of the Khmer citizens to believe.
  - Paragraph 1 stipulates that “the Khmer citizens of both sexes shall have the full right to believe.” This paragraph means that the Khmer citizens of both sexes have the full freedom of belief or of the practice of their belief and religion in accordance with their conscience, at all times and circumstances.
  - Paragraph 2 stipulates that the “Freedom of belief and religious practice shall be guaranteed by the State, provided that such freedom and religious practice do not impinge on other beliefs and religions, on public order and security”. This paragraph 2 means that the State shall guarantee the freedom of belief and religious practice to be able to proceed as usual, but this freedom and worship shall also have limitation. The exercise of freedom and the practice of belief and religion must not impinge on other beliefs or religions, and must respect the freedom and the practice of beliefs or religions of other people as well. Furthermore, the exercise of freedom and the practice of belief and religion must not impinge on public order and security at all cost.
  - Paragraph 3 stipulates that “Buddhism is State’s religion.” The Constitution is the Supreme Law of the Kingdom of Cambodia. Since the paragraph 3 of the Article 43 of the Constitution has so stipulated, therefore the provisions of the other articles of the Constitution and of the laws, as well as of the minor laws are determined in accordance with the above-mentioned spirit.
- Whereas Buddhism being the State’s religion, therefore:
  - In the Kingdom of Cambodia, the State assists, supports and elevates Buddhism to be worthy of a State’s religion, by being developed, grand, glorious. That is the reason why, in the Royal Ceremony of the coronation of the King of Cambodia, there is the presence of Supreme Patriarchs of the two Buddhist Orders in accordance with the Royal Rites. Moreover, the main Buddhist festivities, in particular those of

the Meak Bochea and Visak Bocheadays are made national holidays.

- The Mahānikāya Supreme Patriarch and the Dhammayutikanikaya Supreme Patriarch are members of the Crown Council as stipulated in the Article 13(New) of the Constitution. Besides the Supreme Patriarchs of both Orders preside over the important oath ceremonies as stipulated in the annexes of the Constitution, and moreover in the national anthem the third verse says that “In all the temples echoing the voice of the Dharma, chanting with joy, remembering Buddhism with gratitude, may we as true and sincere believers follow the path of our ancestors, so that the Tevadas may assist and grant prosperity to the Khmer Land as a Great Nation.”
- The paragraph 3 of Article 68 of the Constitution stipulates that “The State shall help propagate and promote the Pālī schools and the Buddhist education.”
- And the great majority of the Khmer people in the Kingdom of Cambodia have raised the National flag, the Buddhist flag, and the Royal Emblem side by side, with the conscience in the belief that the wheel of the State and the wheel of Buddhism must turn evenly, and then the Nation can prosper and be glorious.

**Decides:**

**Article 1:** The Article 3 and the Article 4 of the Constitution shall be interpreted in compliance with the above-mentioned motives.

**Article 2:** This decision made in the Plenary Session of the Constitutional Council, in Phnom Penh on December 23, 2009, shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, December 23, 2009

**On behalf of the Constitutional Council  
The President,**

**Signed and Sealed: EK SAM OL**