

KINGDOM OF CAMBODIA
Nation Religion King



The Constitutional Council

N° 004/02/2007 CC

**Submitted to His Majesty Preah Bat Samdech Preah Boromneath
NORODOM SIHAMONI
King of Cambodia**

Subject: Views of the Constitutional Council on the initiative to amend Article 145 (New) and Article 146 (New) of chapter 13 (New) of the Constitution of the Kingdom of Cambodia.

Reference: Royal Message of December 20, 2007

Sire,

Acknowledging the receipt of the above-mentioned Message of Your Majesty, we, the President and Members of the Constitutional Council, convinced on December 26, 2007, have the great honour to submit to Your Majesty our view as followed:

1- The initiative to amend Article 145 (New) and Article 146 (New) of Chapter 13 (New) of the Constitution of the Kingdom of Cambodia is to aim at ensuring democratic development at all levels of the national administration, according the strategic framework of the reform toward the decentralization and concentration , and the strategic plan for national development 2006-2010.

The article 151 (New- former Article 132) of the Constitution states that : “The initiative to review or to amend the Constitution shall be the prerogative of the King, the Prime Minister and the President of the National Assembly at the request of one fourth of all the members of the National Assembly. The review or amendment of the constitution shall be drafted as a Constitutional Law to be adopted by a two third majority vote of all the Members of the National Assembly.”

The Article 152 (New-former Article 133) of the Constitution states that: “The review or amendment of the Constitution shall be prohibited, when the country is in a state of emergency, as stipulated in Article 86.”

Article 153 (New- former article 134) of the Constitution states that: “The review or amendment of the Constitution affecting the liberal multi party democracy system and the Constitutional Monarchy regime can not be done.”

Following the review and consideration based on the provision of the aforementioned articles, the substance of the amendment of Article 145(New) and 146(New) of the Constitution does not impinge on the liberal multi party democracy system and the Constitutional Monarchy regime. Furthermore, the initiative to amend Article 145(New) and 146(New) of the Constitution is taken while the country is in a normal situation.

2- The Constitutional Council considers that the amendment of the aforementioned Article 145 (New) and 146 (New) of the Constitution of the Kingdom of Cambodia can proceed.

Deign Your Majesty, Sire; accept the humble expression of our most profound respect.

Phnom Penh, December 26, 2007
For the Constitutional Council
The President,

Signed and sealed: EK SAM OL