



KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE N° 197/001/2013

Of February 12, 2013

Decision N° 126/001/2013 CC.D

Of March 01, 2013

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the letter N° 084 N.A of February 11, 2013 of Samdech Akka Moha Ponhea Chakrei **HENG SAMRIN**, President of the National Assembly, requesting the Constitutional Council to examine the constitutionality of the Law on the Organization and the Functioning of the Supreme Council of the National Defense, adopted by the National Assembly on January 24, 2013 in the 9th plenary session of its 4th legislature and reviewed and entirely approved by the Senate on the legal form and substance in the 2nd plenary session of its 3rd legislature on February 08, 2013, letter received by the Secretariat General of the Constitutional Council on February 12, 2013 at 10:45.

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the National Assembly and the Senate have duly implemented the procedure stipulated in Article 113 (New) of the Constitution for reviewing and adopting the Law on the Organization and the Functioning of the Supreme Council of the National Defense;
- Whereas the request of Samdech Akka Moha Ponhea Chakrei **HENG SAMRIN**, President of the National Assembly, made in accordance with Article 140 (New) of the Constitution and Article 16 (New) of the Law on the Amendment of the Organization and the Functioning of the Constitutional Council, is therefore admissible;

- Whereas the form in drafting and adopting the Law on the Organization and the Functioning of the Supreme Council of the National Defense has nothing contrary to the Constitution;
- Whereas Chapter 1 on the General Provision, consisting of 1 Article which stipulates the establishment of the Supreme Council of the National Defense in order to ensure the protection of the Constitution, national independence, sovereignty, and territorial integrity of the Kingdom of Cambodia, and to ensure the implementation of roles, duties, competences of the Royal Cambodian Armed Forces, as well as to review and adopt the national defense policy and plan, has nothing contrary to the Constitution;
- Whereas Chapter 2 on the Composition, consisting of 2 Articles which stipulates the composition of the Supreme Council of the National Defense: the King of the Kingdom of Cambodia as the President, the Prime Minister as the Vice President, and Minister of National Defense, Minister of Interior, Minister in charge of the Council of Ministers, Minister of Foreign Affairs and International Cooperation, Minister of Economy and Finance, and Commander-in-Chief of Royal Cambodian Armed Forces as Members and stipulates that the King shall preside over the Supreme Council of the National Defense, as well as stipulates the right of the King to appoint the Prime Minister as his high representative in presiding over the meeting of the Supreme Council of the National Defense, has nothing contrary to the Constitution;
- Whereas Chapter 3 on the Roles and Duties, consisting of 2 Articles which stipulates the ensurance of the protection of the Constitution of the Kingdom of Cambodia, national independence, sovereignty and the territorial integrity of the Kingdom of Cambodia, neutrality of fulfilling the roles, duties and competences of the Royal Cambodian Armed Forces, implementation of the national defense policy and plan, review and adoption of the national defense policy and plan, giving the compulsory opinions to the draft law or the proposed law relating to the organization of the national defense affairs, receiving or abrogation of all conventions, treaties, international pacts and agreements on military sectors, evaluating the situation to place the country into emergency or in war in order to proceed in accordance with the spirit of the Constitution, review and adoption of plans and reports of the Secretariat General of the Supreme Council of the National Defense, has nothing contrary to the Constitution;
- Whereas Chapter 4 on the Functioning of the Supreme Council of the National Defense, consisting of 4 Articles which stipulate Meeting of the Supreme Council of the National Defense in terms of convening Ordinary or Extraordinary Session, Right to convene the meeting and

Formality and Procedure of the Supreme Council of the National Defense and which stipulate the establishment of the Secretariat General as assistance and which define the Organization and the Functioning of the Secretariat General, has nothing contrary to the Constitution;

- Whereas Chapter 5 on the Budget Resources, consisting of 1 Article which stipulates the expenditures for the process of the Supreme Council of the National Defense allocated by the national budget and reserved separately in the budget plan of the Ministry of National Defense, has nothing contrary to the Constitution;
- Whereas Chapter 6 on the Final Provision, consisting of 1 Article which stipulates that any provision that is contrary to this law shall be abrogated, has nothing contrary to the Constitution;
- Whereas the entire essence of 6 Chapters, 11 Articles of the Law on the Organization and the Functioning of the Supreme Council of the National Defense, has nothing contrary to the Constitution.

Decides:

Article 1: The Law on the Organization and the Functioning of the Supreme Council of the National Defense adopted by the National Assembly on January 24, 2013 in the 9th Session of its 4th Legislature and reviewed and definitively approved on the legal form and substance by the Senate in the 2nd Plenary Session of its 3rd Legislature on February 08, 2013, is declared in conformity with the Constitution.

Article 2: This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on March 01, 2013, 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, March 01, 2013

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

Signed and Sealed: EK SAM OL

Glossary

- CC.D Decision of the Constitutional Council
- N.A National Assembly