

KINGDOM OF CAMBODIA
Nation Religion King



The Constitutional Council

CASE

N° 177/008/2010

Of September 06, 2010

Decision

N° 112/005/2010 CC.D

Of September 16, 2010

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the letter of September 03, 2010 of the 22 Members of the National Assembly, represented by H.E. SIK BUNHOK, requesting the Constitutional Council to interpret the validity of Article 157 (New) point 4 of the Constitution, letter received by the Secretariat General of the Constitutional Council on September 06, 2010 at 16:15.

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the letter of the 22 Members of the National Assembly, requesting the Constitutional Council to interpret the validity of Article 157 (New) point 4 of the Constitution, made in accordance with Article 136 (New), 141 (New) of the Constitution and Article 15 (New), Article 18 (New) of the Law on the Organization and the Functioning of the Constitutional Council, is therefore admissible;
- Whereas the Congress of the National Assembly and the Senate is stipulated in Articles 116 (New) and 117 (New) of chapter 9 (New) of the Constitution:
 - Article 116 new: In case of necessity, the National Assembly and the Senate can convene in Congress to resolve the important issues of the country.*
 - Article 117 new: The important issues of the country as provided in the Article 116 new, as well as the organization and functioning of the Congress shall be determined by a law.*
- Whereas the Article 157 (New) of Chapter 16 (New) of the Constitution stipulates that:
 - Article 157 new: The duration of the first legislature of the Senate is five years and comes to an end when the new Senate assumes office.*
 - For the first legislature of the Senate:*
 - *the total number of Senators shall be sixty-one,*
 - *the King shall appoint two Senators, as well as the President and the two Vice-Presidents of the Senate,*

- the other Senators shall be appointed by the King among the members of the political parties having their seats at the National Assembly, on the proposal from the President of the National Assembly and the President of the Senate,

- the Congress of the National Assembly and the Senate shall be held under the chairmanship of the Co-Presidents.

According to the essences of Article 157 (New), the valid duration of point 4 Paragraph 2 of the above-mentioned Article cannot exceed the duration of the 1st legislature of the Senate. It means that the Congress of the National Assembly and the Senate shall be chaired by the President of the National Assembly and the President of the Senate as Co-Presidents only in the 1st legislature of the Senate;

The Congress of the National Assembly and the Senate in the subsequent legislature of the Senate shall be organized and functioned in accordance with the law as stipulated in Article 117 (New) of the Constitution.

Decides:

Article 1: The provision of point 4 Paragraph 2 of Article 157 (New) of the Constitution shall be interpreted as in above-mentioned motives.

Article 2: This decision made in the plenary session of the Constitutional Council in Phnom Penh on September 16, 2010 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, September 16, 2010

On behalf of the Constitutional Council

The President,

Signed and Sealed: EK SAM OL

Glossary

CC.D Decision of the Constitutional Council