

L A W
ON THE ORGANISATION AND FUNCTIONING
OF THE COUNCIL OF MINISTERS

CHAPTER 1

ROLE AND COMPOSITION OF THE ROYAL
GOVERNMENT

ARTICLE 1 : The Royal Government of the Kingdom of Cambodia is an Executive Organ which has the duty to determine and implement the policy of the state in accordance with the principles enshrined in the Constitution. The Royal Government ensures the application of the laws and direct general state's affairs, except those affairs which come within the competence of the Legislature or of the Judiciary.

The royal government shall have responsibility to the National Assembly for the general policy and for its activities.

ARTICLE 2 : The royal government shall govern, command and use the Military, Police, Armed forces and the Administration for the implementation of all its activities.

ARTICLE 3 : The royal government shall manage general affairs of State in compliance with the Political Program and the State's Plan which have been adopted by the National Assembly.

ARTICLE 4 : Composition of the royal government ;

- Prime Minister,
- Deputy- Prime Minister,
- State's Minister,
- Minister,
- Secretary of State.

For the circumstance in which His Majesty the king has appointed one First Prime Minister and one Second Prime Ministers, in conformity the article 138 of the Constitution, thus both these Prime Ministers shall have equal power and prerogative, for heading

the royal government on the basis of the principle of co-decision.

ARTICLE 5 : Prime Ministers are members of the National Assembly. Other members of the Royal Government could be selected from amongst the members of the National Assembly or from outside of the National Assembly but they must be members of political parties which has representation in the National Assembly.

ARTICLE 6 : The Under Secretary of State shall be appointed by royal Decree following the proposal of the Prime Minister. The Under Secretary of State is neither member of the Royal Government nor permanent agent of the Administration. When the Royal Government resigns or is dissolved, the Under Secretary of State shall also cease to function.

ARTICLE 7 : At the termination of the mandate of the Parliament or when there is a change of the royal government, the royal government which is to leave the office, shall only have duty to conduct day to day affairs until a new royal government is appointed.

CHAPTER 2

COUNCIL OF MINISTERS AND COMPETENCE OF THE PRIME MINISTERS

ARTICLE 8 : The Prime Minister is the head of the royal Government and shall be jointly responsible along with other members of the royal government to the National Assembly on the general policy of the royal government.

ARTICLE 9 : The Prime Minister shall head the Council of Ministers, manage and command all activities of the royal government in all fields.

ARTICLE 10 : The Prime Minister shall convene meetings of the Council of Ministers and shall preside at those meetings. Plenary meetings of the Council of Ministers shall make decisions on general affairs of the royal government.

ARTICLE 11 : The Prime Minister may delegate power to any member of the royal government for convening meetings and presiding inter-ministerial meetings. But such inter-ministerial meetings shall have no power to make any decision in favour of the royal government at all.

ARTICLE 12 : Prime Minister shall lead negotiations, and sign commercial agreements and agreements on economic, cultural, scientific and technical cooperation and agreements on national defence with foreign countries. The Prime Minister may delegate power to any member of the royal government to sign such agreements.

ARTICLE 13 : Prime Minister shall sign all Sub-Decrees, Decisions or Circulars adopted by the Council of Ministers. All norms and standards of the royal government which will have general effect must be published in the King's Affairs Bulletins.

ARTICLE 14 : Prime Minister shall raise proposals for appointments, transfer and dismissal by royal Decrees of High ranking officers of the civil servants and military as follows :

- Member of the royal government.
- Administrator, Vice- Administrator of the National Bank of Cambodia.
- Under Secretary of State.
- Advisers of the royal government- Advisers of the Prime Minister.
- General Secretaries of the royal government.
- General Secretaries of the ministries- General Directors of the ministries.
- Delegates of the royal government.
- Governors of the provinces and municipalities.
- Royal Ambassadors.
- Extraordinary and plenipotentiary precepts.
- Chief of the General Staff(of Armed Forces).
- Ranks from General and up.

Such proposals shall be submitted to the National Assembly for approval and for this purpose the Prime Minister may request the National Assembly to meet in extra-ordinary session. On the National Assembly approving such appointments the proposals shall be submitted to the Majesty the King for the issue of Royal decrees.

ARTICLE 15 : Prime Minister shall appoint, transfer and dismiss by Sub-Decree, high ranking officers, civil servants, military, members of the diplomatic corps, and deputy governors of provinces and municipalities and governors (chiefs) of districts who are not specified in the article 16, except those ranks below the chiefs of departments who may be appointed by Ordinances (Prakas) of the heads of ministries.

ARTICLE 16 : In special case or in case of force-majeure, the Prime Minister shall have power to make out orders for expenses out of the national budget specified by the National Assembly in order to meet necessary and urgent expenditures, and shall then report to the National Assembly.

ARTICLE 17 : The Prime Minister shall administer and head the Council of Ministers.

ARTICLE 18 : When the Prime Minister is absent, the Deputy Prime Minister shall replace him and take his duties, in accordance with the delegation of power directly made by the Prime Minister.

CHAPTER 3

COMPETENCE OF MEMBERS OF ROYAL GOVERNMENTS

ARTICLE 19 : Deputy Prime Minister is a member of the royal government who has priority in the seating arrangement above other members.

Deputy Prime Minister shall assist the Prime Minister in the performance of his duties in accordance with the delegation of power made directly by the Prime Minister.

Deputy Prime Minister shall have no power to decide on any matters concerning the general policy of the royal government, unless approved by the Prime Minister.

ARTICLE 20 : Ministers and State Ministers who do not administer any ministry, may be responsible for the duties as specified by the Prime Minister.

ARTICLE 21 : Members of the royal government who administer the ministries are called heads of ministries. The head of ministry shall manage the affairs of the ministry, and administer all the officers and staff members of the civil service who are agents of the central administration and of the field administrations which are subordinates of the ministries.

ARTICLE 22 : State Ministers, Ministers and Secretaries of State, who are the heads of ministries shall have power to manage the ministries and subordinate institutions within its competence as specified in the law.

ARTICLE 23 : In case when any ministry is headed by the Co- Ministers, both of those Ministers shall have equal powers. The administration of such a ministry, shall be on the principle of co-decision.

ARTICLE 24 : In case when any ministry is headed by a Minister and a Secretary of State, such Minister shall be head of ministry, and such Secretary of State, the vice-head of ministry, and shall

perform such duties assigned to him by the Minister. The Minister shall have to consult the Secretary of State before hand on any matters pertaining to such Ministry prior to making any final decision thereon.

ARTICLE 25 : For those autonomous ministries or State's Secretariats which are headed respectively by a Secretary of State, such Secretary of State shall be the head of such ministry or such State's Secretariat.

ARTICLE 26 : In case when a ministry has a Minister or a State's Secretary as head of ministry, there must be an Under-Secretary of State who shall assist the affairs in such ministry in compliance with the duties assigned to him by the head of ministry.

ARTICLE 27 : Under-Secretaries of State who are heads of the institutions which come under the control of the Council of Ministers, shall have to manage the affairs of those institutions under direct the supervision of the Prime Minister. But the Prime Minister may also delegate power to any Minister or Secretary of State to carry out such supervision.

ARTICLE 28 : The heads of ministries can have power to raise proposals for the appointment, transfer and dismissal in accordance with the procedure in force of officials in their respective ministries from the ranks of Chiefs of departments, Colonels or their equivalents and up. A head of ministry shall have power to appoint, transfer and dismiss by Prakas (Proclamation) of head of ministry, his subordinates officials, for the ranks from below the chiefs of departments and down, in conformity with the State of Public Functions.

ARTICLE 29 : The head of ministry has power to issue Prakas (Proclamations) and Circulars. Circulars are texts for enlightening the works/affairs and for giving instructions. Ministerial Prakas (Proclamations) or Circulars (Sarachors), can neither stipulate on any issues which do not come within the framework and competence of the ministry, nor contradict other norms and standards of the royal government such as Sub-decrees or Circulars.

ARTICLE 30 : The Organisation and functioning of the Ministry and state secretariats from the department level and up, must be specified by a Sub-Decree. The organisation and the functioning of the ministry and state secretariats from below the department level and down, must be specified in a Prakas (Proclamation) of such Ministry.

ARTICLE 31 : The Minister or Co-Ministers in charge of the office of the Council of Ministers, and the Secretary of State, with the assistance of the Under Secretary of State and General Secretary of the royal government, shall manage the affairs of the office of the Council of Ministers, and coordinate in daily functions of the Council of Ministers, under the responsibility of the Prime Minister.

The role and function of the secretary general shall be specified by a Sub-Decree on the Organisation and Functioning of the office of the Council of Ministers.

ARTICLE 32 : Each member of the royal government shall be responsible to the Prime Minister and the National Assembly for their performance.

The Prime Minister shall supervise and follow up the activities of the members of the Royal Government and shall have power to dismiss and replace any member of Royal Government for irregularities, abuse of power, misbehaviour and inactivity.

CHAPTER 4

CREATION OF NEW MINISTRIES

ARTICLE 33 : Any creation of the new ministry, shall have to be specified by a law, and the budget thereof shall be adopted by the National Assembly.

CHAPTER 5

TERMINATION CLAUSE

ARTICLE 34 : The Law on the Organisation and the Functioning of the Council of Ministers which was promulgated by the Kret (Decree) N° 50 Kra. dated 2nd May 1992, and any other norms which are contrary to provisions of this Law, are all considered as null and void and are definitively replaced by this present Law.

ARTICLE 35 : This Law shall have to be proclaimed urgently.

THIS LAW HAS BEEN ADOPTED.

IN THE ROYAL CAPITAL CITY OF PHNOM PENH,
ON 19TH JULY 1994 DURING THE EXTRA-ORDINARY
SESSION OF THE PARLIAMENT, OF ITS FIRST
LEGISLATURE.

Seal and Signature: *Loy Sim Chheang*
Deputy Chairman
of
the National Assembly