

(National Coat-of-arms)

ROYAL KRAM

**I, the undersigned,
Preah Bat Samdech Preah Norodom Sihanouk Varman
Reach Harivong Ouphaktosocheat Visothipong Akkamohaborosrath
Nikarodom Thomikmohareacheathireach Boromneath Borombopit Preah
Chaukrong Kampucheatipadey;**

With reference to Article 11, Chapter 2 on the **King** of the Constitution of the Kingdom of Cambodia adopted by the Constituent Assembly on September 21, 1993;

Hereby order

Article 1: The official promulgation of the Law on the Organization and Functioning of the Council of Ministers adopted on July 19, 1994 by the National Assembly;

Article 2: This Royal *Kram* shall take legal effect from the date of signature onwards.

Phnom Penh, July 20, 1994
On royal behalf and by royal order
Acting Head of State
(Signature)

CHEA SIM

LAW
On
the Organization and Functioning of
the Council of Ministers

CHAPTER I
ROLES AND COMPONENTS OF THE ROYAL GOVERNMENT

Article 1:

The Royal Government of the Kingdom of Cambodia is an Executive Body which has the duty to determine and implement the policy of the State in line with the principles set forth in the Constitution. The Royal Government shall ensure the legal enforcement and management of the general affairs of the State with the exception of affairs under the authority of the Legislative Body and the Court.

The Royal Government shall bear responsibility before the National Assembly for the general policy and its activities.

Article 2:

The Royal Government shall control, order and use the military, police, other armed forces and the administration for the implementation of all its activities.

Article 3:

The Royal Government shall manage the general affairs of the State in compliance with the political platform and the State's plans which have been adopted by the National Assembly.

Article 4:

Components of the Royal Government include:

- Prime Minister
- Deputy Prime Ministers
- Senior Ministers
- Ministers
- Secretaries of State

For the circumstances in which His Majesty the King has appointed one first prime minister and one second prime minister in compliance with Article 138 of the Constitution, both prime ministers shall have equal power and prerogative to lead the Royal Government based on the principle of co-decision.

Article 5:

The Prime Minister is a member of the National Assembly. Other members of the Royal Government may be selected from among the members of the National Assembly or non-members of the National

Assembly but they must be members of the political parties which have representatives in the National Assembly. All the members of the Royal Government shall be appointed by a Royal Decree after being approved by the National Assembly.

Article 6:

The Undersecretaries of State shall be appointed by a Royal Decree at the request of the prime minister. The Undersecretaries of State are neither members of the Royal Government nor permanent administrative agents. When the Royal Government resigns or is dissolved, the undersecretaries of state shall also be removed.

Article 7:

Upon the conclusion of the mandate of the National Assembly or change of the Royal Government, the Royal Government which is to leave the office shall have the duty to manage day to day works only until a new Royal Government is appointed.

CHAPTER II COUNCIL OF MINISTERS AND COMPETENCE OF THE PRIME MINISTERS

Article 8:

The Prime Minister is the head of the Royal Government and shall have the duty to share joint responsibility with other members of the Royal Government before the National Assembly about the general policy and activities of the Royal Government.

Article 9:

The Prime Minister shall lead the works of the Council of Ministers, and manages and gives commands on all activities of the Royal Government in all sectors.

Article 10:

The Prime Minister shall convene and chair meetings. The plenary session of the Council of Ministers shall make decisions and address all general affairs of the Royal Government.

Article 11:

The Prime Minister may delegate power to any member of the Royal Government to convene a meeting and preside over the inter-ministerial meeting. However, such an inter-ministerial meeting shall have no power to make any decision on behalf of the Royal Government.

Article 12:

The Prime Minister shall lead the negotiation and sign commercial agreements and agreements on economic, cultural, scientific and technical cooperation and national defense. Moreover, the Prime Minister may delegate power to any member of the Royal Government to negotiate and sign those agreements.

Article 13:

The Prime Minister shall sign sub-decrees, decisions and circulars of the Council of Ministers. Standard documents of the Royal Government having general effects must be published in the royal gazette.

Article 14:

The Prime Minister shall submit proposals to the Permanent Committee of the National Assembly to convene an extraordinary session of the National Assembly regarding the drafting of laws, and the appointment, transfer and conclusion of duties that the members of the Royal Government has submitted to the National Assembly for approval.

The Prime Minister shall submit a request to the King for the appointment, transfer and conclusion of duty by Royal Decree of civil high-ranking officials and military personnel as follows:

- Governor and Deputy Governor of the National Bank of Cambodia;
- Advisors to the Royal Government, advisors to the Prime Minister;
- Secretary-General of the Royal Government;
- Secretary-General of the ministries, director-general of the ministries;
- Delegate of the Royal Government;
- Provincial Governors, Municipal Chiefs;
- Royal Ambassadors;
- Extraordinary and plenipotentiary envoys;
- Chief of the General Staff and Vice Chief of the General Staff;
- Ranks from General and up;

The positions and frameworks of civil high-ranking officials and a number of military personnel shall be appointed, transferred and concluded by Royal Decree in accordance with the determination in separate standard documents established by that institution.

Article 15:

The Prime Minister shall appoint, transfer and conclude by subdecree, high-ranking civil officials, military personnel, diplomats and deputy governors of provinces, municipal chiefs and district chiefs who are not specified in Article 14, with the exception of the officials mentioned in Article 28 of this law.

Article 16:

In special circumstances or in case of *force majeure*, the Prime Minister shall have the power to make out orders for expenses from the national budget plan specified in order to settle necessary and urgent affairs, [and shall] then promptly report this to the National Assembly.

Article 17:

The Prime Minister shall lead and manage the works of the Council of Ministers.

Article 18:

In case the Prime Minister is absent, the Deputy Prime Minister shall replace him and take over his works, in accordance with the delegation of power by the Prime Minister, which is made directly face-to-face.

CHAPTER III COMPETENCE OF MEMBERS OF THE ROYAL GOVERNMENT

Article 19:

The Deputy Prime Minister is a member of the Royal Government who has precedence over other members. The Deputy Prime Minister shall assist the works of the Prime Minister in accordance with the delegation of power made directly face-to-face by the Prime Minister. The Deputy Prime Minister shall have no power to decide on any matters concerning the common management of the Royal Government unless there is the approval of the Prime Minister.

Article 20:

The Senior Ministers and Ministers who do not administer any ministry, may be responsible for the duties determined by the Prime Minister.

Article 21:

Members of the Royal Government who lead and manage the ministries or the state secretariats are called heads of the institutions.

The heads of the institutions shall manage the works in the institutions and control all staff members and civil servants who are agents of subordinate central and local administrations.

Article 22:

The head of the institution shall have the duty to lead and manage the subordinate institutions and units within the framework of the competence as specified by the law.

Article 23:

In case any ministry is headed and managed by the co-ministers, the two ministers shall have equal powers. The management of the ministry shall be based on the principle of co-decision.

Article 24:

In case the ministry is headed and managed by a minister and a secretary of state, the minister shall be the head of the ministry, and the secretary of state shall be the vice head of the ministry. The secretary of state shall implement the duties assigned by the minister. The minister shall have to consult with the secretary of state before making a final decision regarding the important issues.

Article 25:

Regarding the autonomous ministries or state secretariats led by the secretaries of state, the secretaries of state shall be the heads of those institutions.

Article 26:

In case a ministry has a minister or secretary of state as a head of ministry, the undersecretary of state shall assist in the affairs in the ministry in compliance with the duties assigned by the head of the ministry.

Article 27:

Undersecretaries of State who are heads of the subordinate institutions of the Council of Ministers shall manage the works of those institutions under the direct supervision of the Prime Minister. However, the Prime Minister may also delegate power to any minister or secretary of state to carry out such management.

Article 28:

The heads of institutions shall have the power to raise proposals for the appointment, transfer and conclusion of the duties of the civil servants under their supervision in accordance with the procedures in force respectively ranking from the department chiefs, colonels and their equivalents. A head of the institution shall have the power to appoint, transfer and conclude the duties of subordinate civil servants in conformity with the procedures in force by *prakas* ranking below the department chief and their equivalents.

Article 29:

The heads of institutions have the power to issue *prakas* and circulars. Circulars are texts for enlightening the works and for giving instructions. *Prakas* or circulars of the institution can neither stipulate any issues that are not concerned within the framework and competence of the institutions,

nor contradict various standard documents such as subdecrees or circulars of the Royal Government.

Article 30:

The organization of the structure and functioning of the ministry and state secretariats ranking from the department level and up shall be determined by a subdecree from the department level.

The organization of the structure and functioning of the ministry and the state secretariats from below the department level shall be determined by a *prakas*.

Article 31:

The minister or co-ministers in charge of the office of the council of ministers, accompanied by the secretary of state, the undersecretary of state as well as the secretary-general of the Royal Government shall supervise and manage the work of the office of the council of ministers, and coordinate the daily work of the council of ministers under the responsibility of the Prime Minister.

The roles and duties of the secretary-general shall be specified by a Subdecree on the Organization of the Structures and Functioning of the Office of the Council of Ministers.

Article 32:

Each member of the Royal Government shall have to respectively take responsibility before the Prime Minister and the National Assembly for the acts they have committed.

The Prime Minister shall oversee the works, activities, acts and responsibilities of the members of the Royal Government and shall have the power to dismiss and replace any member of the Royal Government in compliance with the procedures in force.

CHAPTER IV ESTABLISHMENT OF MINISTRIES AND STATE SECRETARIATS

Article 33:

The establishment of the ministry and state secretariat shall be defined by a law.

CHAPTER V FINAL PROVISIONS

Article 34:

The Law on the Organization and the Functioning of the Council of Ministers which was promulgated by Decree No. 50 D., dated May 2, 1992, and other standard documents which are contrary to [the provisions of this law] shall be abrogated and shall be definitively replaced by this law.

Article 35:

This law shall be announced urgently.

This law was adopted by the National Assembly of the Kingdom of Cambodia in Phnom Penh on July 19, 1994 during its extraordinary session of the first legislature.

Acting President of the National Assembly
(Signature and stamp)

LOY SIM CHHEANG