

KRAM DATED JULY 20, 1994**ON THE ORGANISATION AND FUNCTIONING OF THE COUNCIL OF MINISTERS**

We,

His Majesty Norodom Sihanouk,

King of Cambodia,

- having seen the 1993 Constitution of the Kingdom of Cambodia;
- having seen Kret dated November 1, 1993 on the appointment of the Royal Government of Cambodia;

upon the proposal of the Council of Ministers;

promulgate;

the Law on the Organization and Functioning of the Council of Ministers adopted by the National Assembly of the Kingdom of Cambodia on July 20, 1994, the text of which is as follows:

CHAPTER I**ROLE AND COMPOSITION OF THE ROYAL GOVERNMENT****Article 1:**

The Royal Government is an Executive Organ which has the duty to determine the policy of the nation which shall be adopted by the National Assembly, to administer all the general state's affairs and assure the application of the laws, 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 Ministers,
- Ministers of State,
- Ministers,
- Secretaries 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 basing on 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 represent actually in the National Assembly.

Article 6:

The Under Secretary of State shall be appointed by kret 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 is resigned or dissolved, the Under Secretary of State shall also be resigned.

Article 7:

When at the termination of the mandate of the Parliament, or when changing of the royal government, the royal government which is to leave the office, shall only have duty to conduct day to day works until when 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, shall have duty to share responsibility jointly with other members of the royal government in front of the National Assembly on the general policy of the royal government.

Article 9:

The Prime Minister shall heads the works of the Council of Ministers, manages and gives out commands on all activities of the royal government in all fields.

Article 10:

The Prime Minister is the one who shall convene meetings and shall preside those meetings. Plenary meetings of the Council of Ministers shall make decisions on general affairs of the royal government.

Article 11:

Prime Ministers 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 favor of the royal government at all.

Article 12:

Prime Minister shall head, manage and sign on commercial agreements and agreement on economic, cultural, scientific and technical cooperation, and national defense with foreign countries. Especially, the Prime Minister may delegate power to any member of the royal government for signing on those agreements.

Article 13:

Prime Minister shall sign on all what have been adopted by the Council of Ministers that will be enacted as Anukret, Decisions or Circulars. All norms and standards of the royal government that will have general effects must be published in the King's Affairs Bulletins.

Article 14:

Prime Minister shall raise proposals for appointments, transfer and dismissal by kret of High-ranking officers of the civil servants and militaries as follows:

- Members of the royal government.
- Administrators, Vice- Administrators of the National Bank of Cambodia.
- Under Secretaries 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 kret.

Article 15:

Prime Minister shall appoint, transfer and dismiss by Anukret, of high ranks officers, civil servants, military, diplomatic corps, and deputy governors of provinces and municipalities and governors (chiefs) of districts who are not specified in the article 16, except only for those ranks below the chiefs of departments which may be appointed by Prakas of the heads of ministries.

Article 16:

In special case or in case of force-majeure, the Prime Minister could have power to make out orders for expenses out of the national budget plan specified by the National Assembly, in order to solve out necessary and urgent affairs, then upon this to report to the National Assembly.

Article 17:

The Prime Minister shall administer and head the works of the Council of Ministers.

Article 18:

When the Council of Ministers is absent, the Deputy Prime Minister shall replace him and take his works, in accordance with the delegation of power which is made directly face to face by the Prime Minister.

CHAPTER III

COMPETENCE OF MEMBERS OF ROYAL GOVERNMENTS

Article 19:

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

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.

Deputy Prime Minister shall have no power to decide on any matters concerning with the common principles of the royal government, unless there is approval from the Prime Minister.

Article 20:

State's Minister and Minister 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 works in the ministry, and administer all the officers and staff members of the civil servants whom are agents of the central administration and of the field administrations which are subordinates of the ministries.

Article 22:

State's Ministers, Ministers and Secretaries of State, who are the heads of ministries, shall have duties to manage the ministries and subordinate institutions within the cadre of its competent as specified in the law.

Article 23:

In case when any ministry is headed by the Co- Ministers, both of those Ministers shall have the equal powers.

In the administration of such a ministry, shall have to base 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, shall have to comply with duties to him by the Minister. The Minister shall have to consult them with the Secretary of State before hand, prior to making any final decision thereon.

Article 25:

For those autonomous ministries or State's Secretariats that 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 are subordinates of the Council of Ministers, shall have to manage the works of those institutions under direct 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 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 and Circulars. Circulars are texts for enlightening the works/affairs and for giving instructions. Prakas or Circulars, can neither stipulate on any issues that are not concerned within the framework and competence of the ministry, nor contradict with other norms and standards of the royal government, such as Anukret or Circulars.

Article 30:

The Organisation and functioning of the Ministry and state secretariats from the department level and up, must be specified by an Anukret. The organization and the functioning of the ministry and state secretariats from below the department level and down, must be specified in a Prakas 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 works of the office of the Council of Minister, and to coordinate in daily works of the Council of Ministers, under the responsibility of the Prime Minister.

The role and function of the secretary general shall be specified by an Anukret on the Organisation and Functioning of the office of the Council of Ministers.

Article 32:

Each member of the royal government shall have to respectively take responsibility in front of the Prime Minister and the National Assembly, of the actions that they have performed.

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, misbehavior and inactivity.

CHAPTER IV**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 V**FINAL PROVISIONS****Article 34:**

The Law on the Organisation and the Functioning of the Council of Ministers which was promulgated by the Kret N° 50 Kra. dated May 2, 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.