



TENTH LAW TALK

20 YEARS OF CAMBODIAN CONSTITUTION

MOVING TOWARDS IMPLEMENTATION OF CONSTITUTIONAL LAW

ROLE, ACHIEVEMENT AND CHALLENGES OF THE CONSTITUTIONAL COUNCIL

BY

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WHAT I WOULD LIKE TO SHARE...

- 1- The Constitutional Council in brief
- 2- The Roles of the Constitutional Council
- 3- The Achievements of the Constitutional Council
- 4- The Challenges of the Constitutional Council





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THE CONSTITUTIONAL COUNCIL IN BRIEF

A- BACKGROUND OF THE CONSTITUTIONAL COUNCIL

- First Cambodian Constitution (1947), Third(1976), Fourth(1981), Fifth(1989) did not establish this Institution
- Second Cambodian Constitution(1972) established the Constitutional Court
- *The Constitutional Council is the supreme Institution created by the 1993 Cambodian Constitution*
- It has been effectively functioning since 15 June 1998

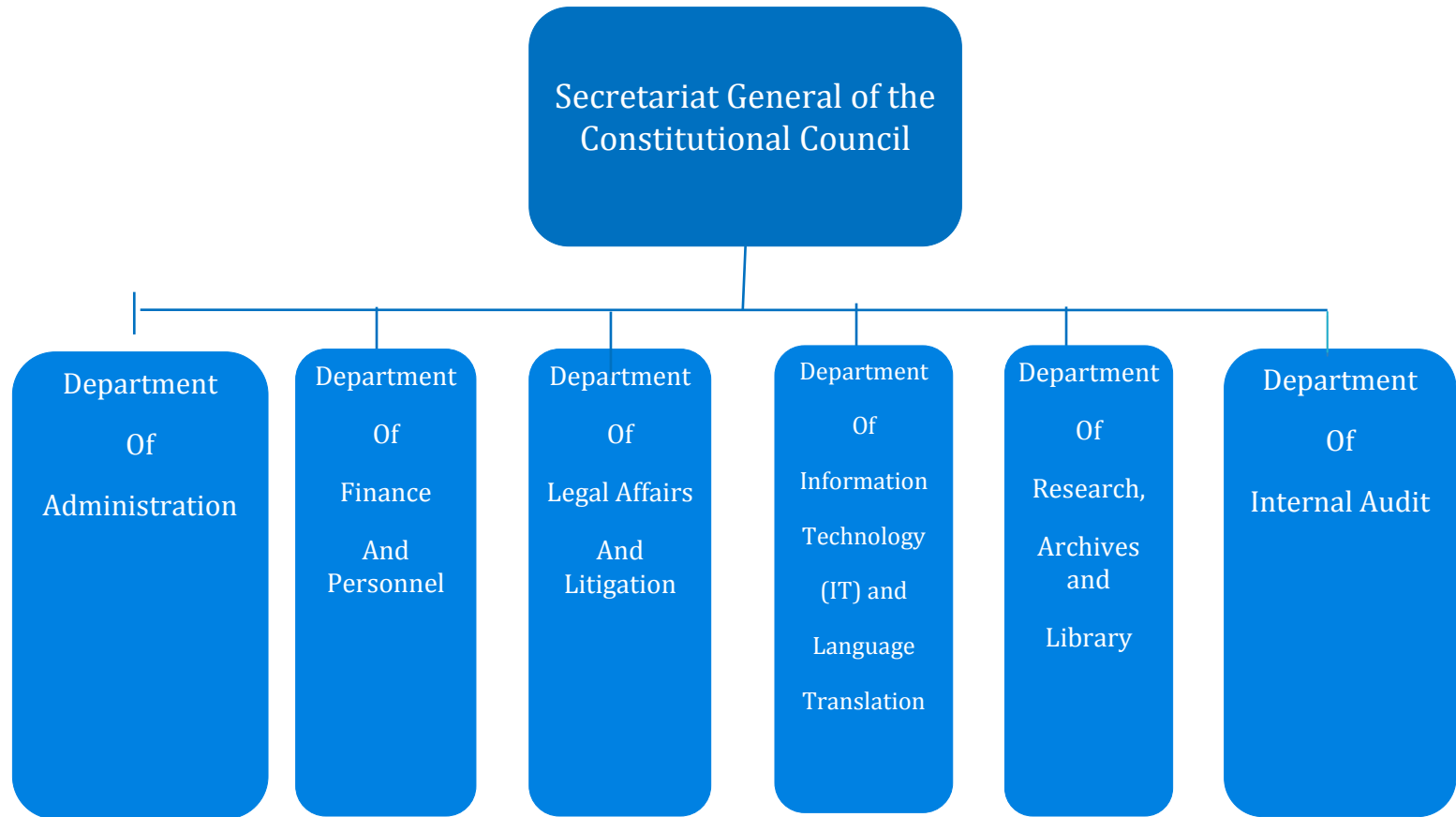
B- THE COMPOSITION AND THE ORGANIZATION

Members of the Constitutional Council

- **9 Members** : 3 appointed by the King, 3 elected by National Assembly and other 3 appointed from the Supreme Council of Magistracy.
- **Term** : 9 years
- **Rank and Prerogatives:**
 - The president of CC: Equal to those of the President of NA
 - The members of CC: Equal to those of the Vice-President of NA
- **Qualities:**
 - Khmer Nationality by birth
 - 45 years olds
 - Holding Higher Education Degree in Law, Economy, Diplomacy, or in Administration
 - At least 15 years professional experiences

B- THE COMPOSITION AND THE ORGANIZATION (2)

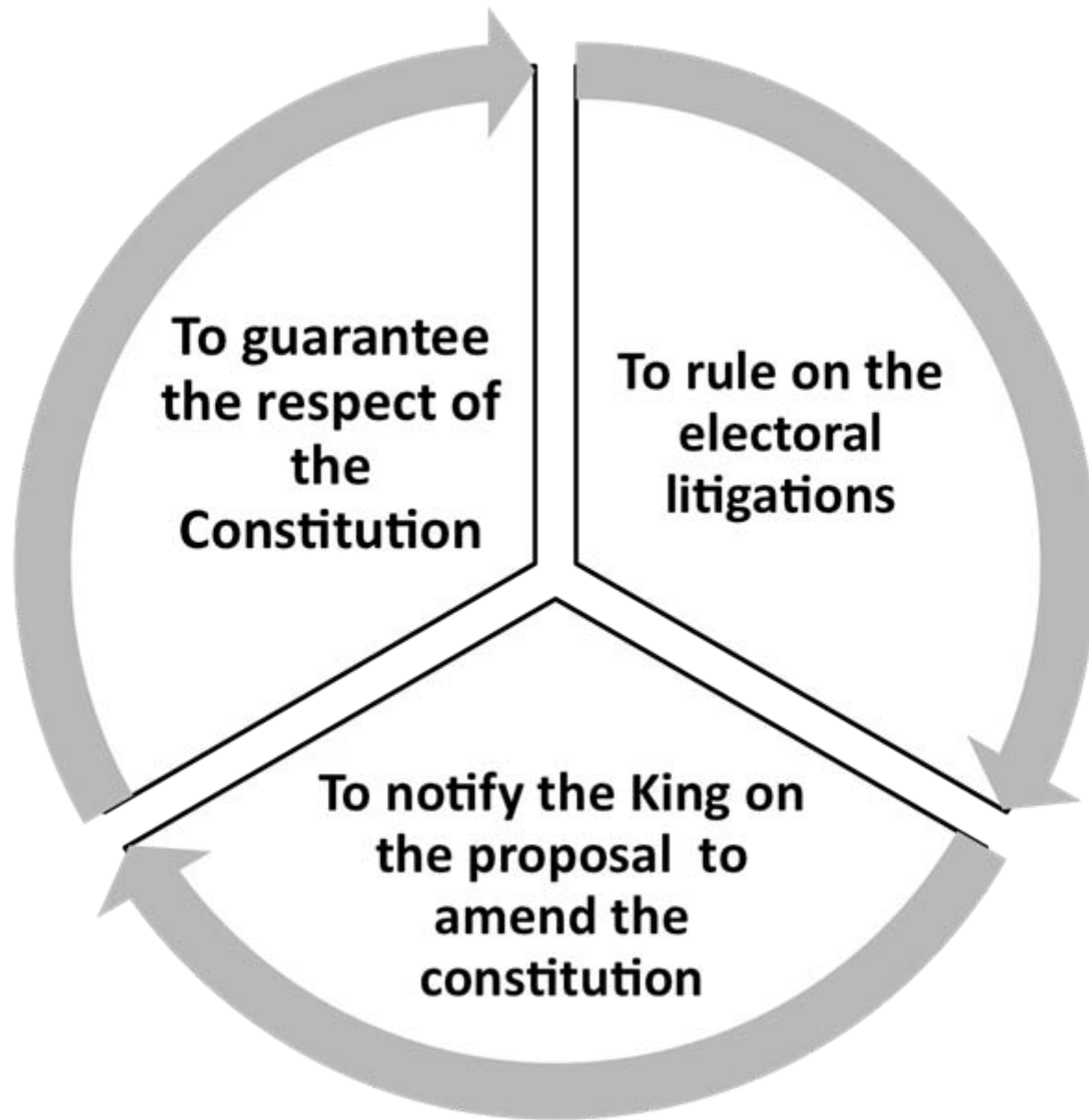
Secretariat General





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THE ROLES OF THE CONSTITUTIONAL COUNCIL



To guarantee the respect of the Constitution

- To interpret the Constitution
- To interpret the laws adopted by the National Assembly and definitively reviewed by the Senate.
- To examine the constitutionality of laws.

Article 136 (new) of the Constitution

To examine and decide on electoral litigations related to elections

- The election of the Members of National Assembly.
- The election of the Senators.

Article 136 (new) of the Constitution

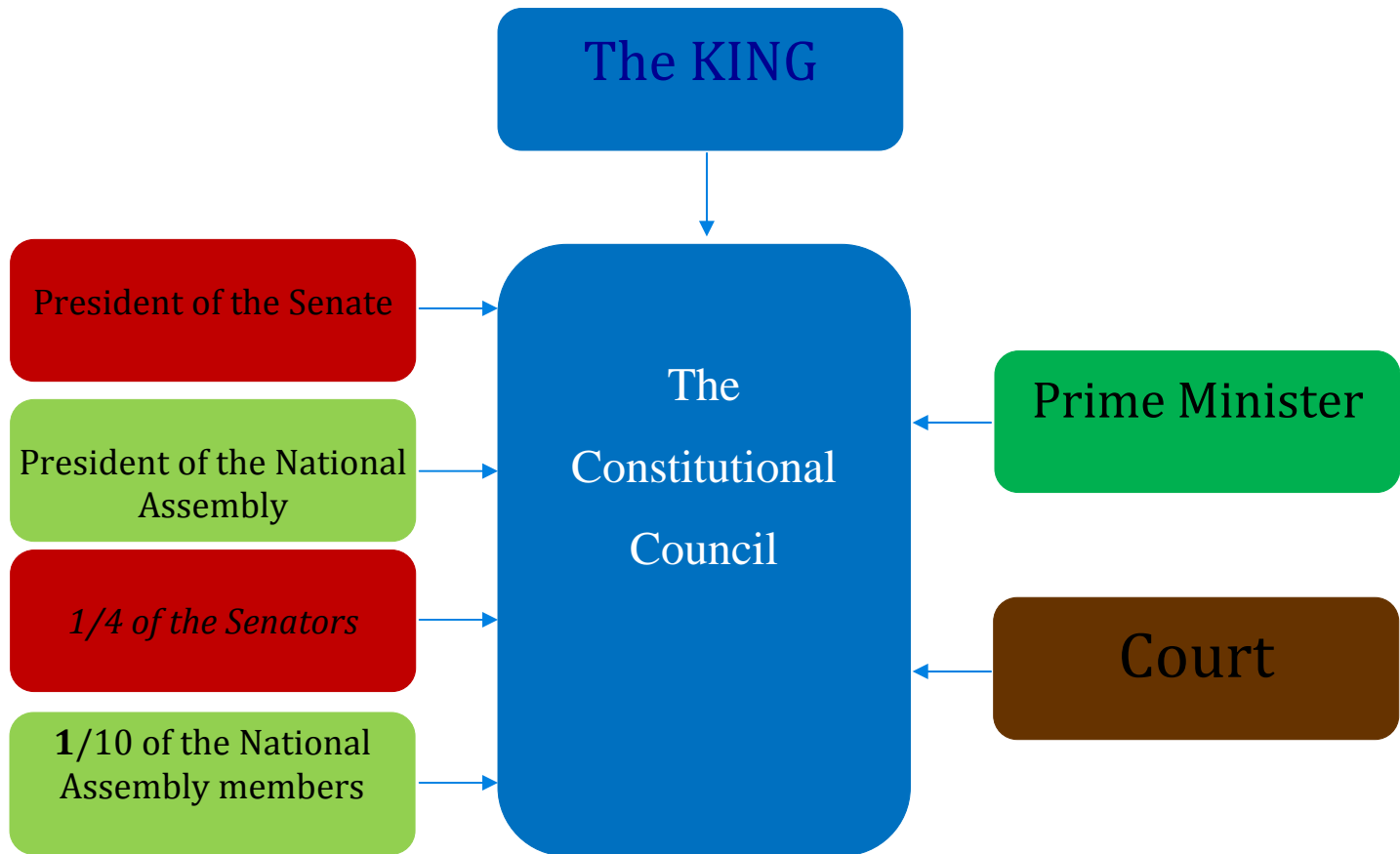
To notify the King on the proposal to amend the Constitution

The King consults the Constitutional Council on any proposal aiming at amending the Constitution.

Article 143 new (former Article 124)

Who can officially ask CC to interpret the Constitution and laws/ to examine the constitutionality of laws ?





Key Remark

1- The Constitutional Council can not examine any matter on its own initiative.

2- The Decision of Constitutional Council shall be final without recourse and shall have authority over all instituted powers stipulated in the Constitution.

(Article 23, Law on the Organization and the Functioning of CC)



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THE ACHIEVEMENTS OF CONSTITUTIONAL COUNCIL

Achievements from 1998 to 2013

+ Compulsory

- Notification to the King : 10
- Electoral litigation : 91
- Interpretation of the Constitution and laws :21
- Examining the Constitutionality of laws : 60
- Rejection for incompetence or legal form :48

(Source: Report of DLAL, CC and for figure until 10 October 2013)

+ Supplementary

- Workshops proving constitutional knowledge
- Membership: A.P.P.U.F (Association of Constitutional Courts Using of French Language)



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THE CHALLENGES OF CONSTITUTIONAL COUNCIL

What are the main challenges?

- Time frame for ruling process on the electoral litigations
- The questions related to the neutrality, independence, and impartiality; which are raised by the concerned parties
- The impact on the good image and recognition of the Constitutional Council

THE CONCLUSION

The Constitutional Council is supreme neutral and independent Institution which fulfils its functions in accordance with the Constitution and laws.

Please go to this website for more detail
information

Website : <http://www.ccc.gov.kh>



THANKS