



THE SENAT OF THE KINGDOM OF CAMBODIA

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I- INRODUCTION

1. BACKGROUND

Post General Election of Members of the National Assembly of the 2nd Legislature in 1998:

- ❖ Meeting on 12-13 November 1998 between the Supreme Leaders of two big parties, which had seats in the 2nd Legislature of the National Assembly, under the Presidency of Samdech Preah Barom Ratanak Korth, Former King, agreed to amend of the 1993 Constitution and subsequently promulgated on 8 March 1999.
- ❖ In accordance with the Law on Amendment of the Constitution, the Senate was established on 25 March 1999.

2. ORGANIZATION AND FUNCTIONING

Organization and functioning of the Senate shall be implemented in pursuance to the Constitution of the Kingdom of Cambodia, Internal Regulation of the Senate, and legal instruments of the Senate.

A. First Legislature of the Senate

- By appointment for 5 years mandate
- Total 61 senators:
 - President and both Vice President were appointed by His Majesty the King, in line with the request of the President of National Assembly

- 2 Senators appointed by His Majesty the King
- Other Senators were appointed by His Majesty the King, upon the request of the President of Senate and National Assembly, among members of political parties which had seats in the Second Legislature of the National Assembly (CPP 31, FUNCIPEC 21, SRP 07).

- First Plenary Session of the First Legislature on 25 March 1999.
- Declared the renew legislature twice, one year each.

B. Second Legislature of Senate and the following legislatures:

- Establishing through either non-universal election, appointment, and election for 6 years.
- Total Senators for each of the Second and Third Legislature were 61 Senators.
Since the Forth Legislature, there are 62 Senators:
 - 58 Senators were elected by non-universal election for 8 regions
 - 2 Senators were appointed by His Majesty the King
 - 2 Senators were elected by the National Assembly.
- Electoral College: Commune/Sangkat Council and entire Incumbent Members of the National Assembly.

II- FUNCTION, DUTY AND ORGANIZATIONAL STRUCTURE OF THE SENATE

1. FUNCTION AND DUTY

Senate is a legislative body and fulfill its duty as stipulated in the Constitution and existing laws. As the legislative body, Senate has functions as follow:

A-Legislation Function: reviewing and advising on the draft law or proposed law or other issues, Senate shall comply with the provision of article 113 (new) of the Constitution.

Generally, reviewing and advising shall be stated with reports of the commissions of the Senate, explanation of Representative of the Royal Government or the owner of the draft law or proposed law or other issues. The commission has rights to invite Representatives of the Royal Government, or Members of the National Assembly, or owners of the bills or other issues to explain before the commission.

B-Oversight Function: Senate has 10 commissions which are responsible for oversight areas of their competence. Each commission fulfill its task in line with the role, duty and competence defined by the Permanent Committee of the Senate. Each commission has its monthly, semester, trimester and annual action plans. During the interval of each plenary session, commission always exercises its function at ministries, provincial departments, municipality, and provinces to oversee the law enforcement and reports to the Permanent Committee for reviewing and making decision.

The Senate has no rights to invite the members of the Royal Government to inquire before the commission or in the plenary session on any update issue as the National Assembly does.

C-Representation Function: the incumbent Senators are not only representatives of their regions, but they are also the representatives of the whole Khmer citizen. Each regional Group of Senators always pay local visits to communicate with citizen and authorities in their regions by organising regional, provincial, municipal, district, and Khan forum, in order to define specifically update topics and challenges to be deal with as well as submit their reports to the Permanent Committee for reviewing and making decision in the next plenary session of the Senate.

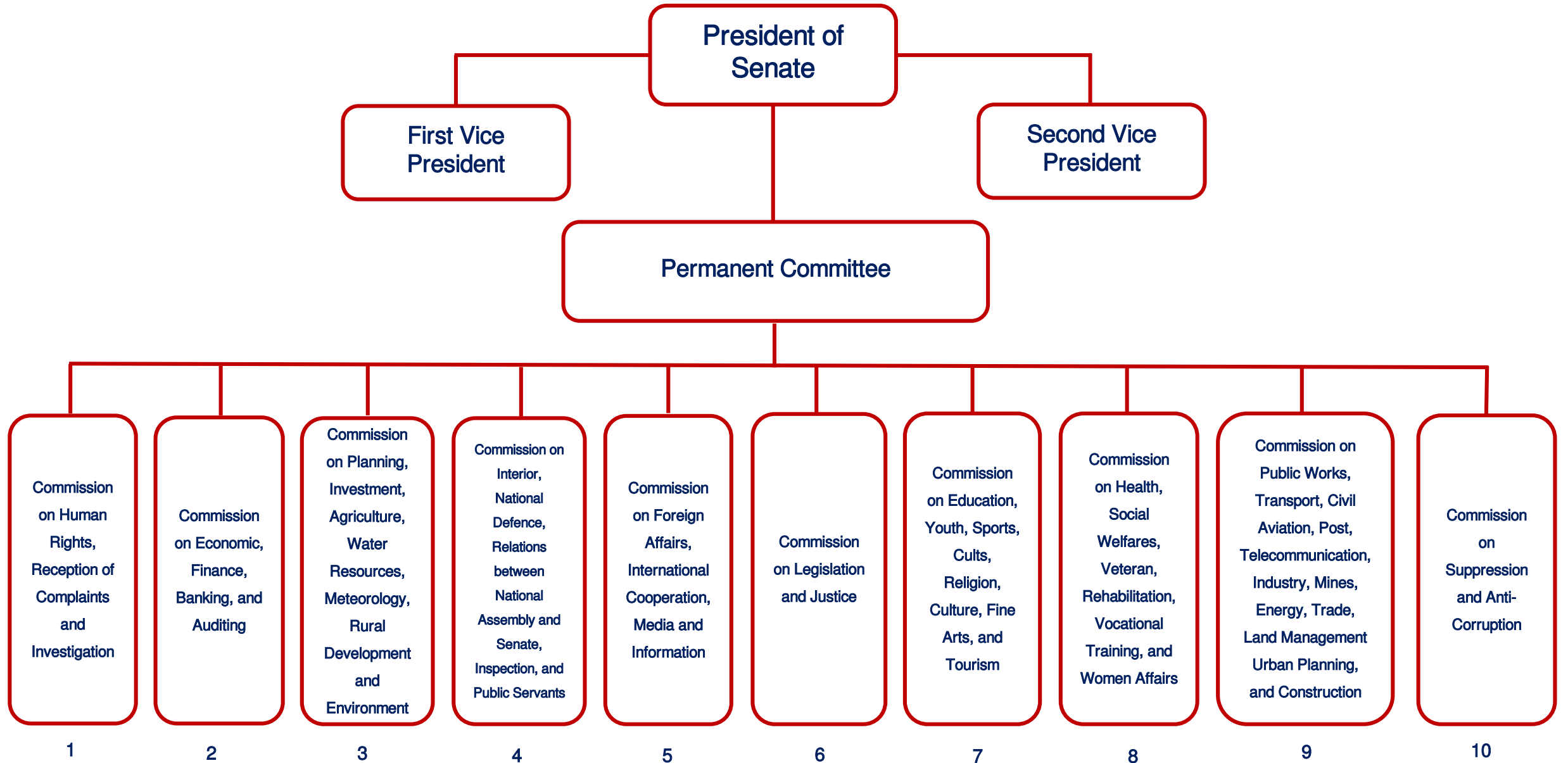
The representation of the Commune/Sangkat Councils attributes the Senate has its own mission in a special condition that shall link its task to safeguard and enhance the interests of the Commune/Sangkat Councils throughout the country including 8 regions. Therefore, the Senate has duty to attribute persuasively in oversight of the D&D policy implementation, to promote the sound development in line with the principles of democracy and rule of law.

D-International Cooperation Function: In the international cooperation, the Senate actively performs its work participate in the implementation of the international obligation and continues to strengthen cooperation with other parliaments and inter-parliamentary organizations in the region and the world. In all legislatures, the Senate has regarded international cooperation as a vibrant force of the institutional development. In this regard, the Senate has established 15 Friendly Groups of the Senate with parliaments of other countries (France, Wallone - Brussels, Laos, Vietnam, China, Japan, Australia and New Zealand, Thailand, Turkey, Russia, Mongol, Korea, India, and Myanmar) and 7 Senator Groups in charge of collaboration with inter-parliamentary institutions (AIPA, IPU, APF, CLV, APA, APPF, and ASEP).

E-Institutional Development Function

The Senate is proud of its achievements which are the best efforts of leaders, Senators, Secretariat General of the Senate in addition to the valuable cooperation in multi-facets and multi-fields which are indispensable from development partners to promote and strengthen capability of the Senate particularly human resource, means, materials, environment and physical infrastructure.

2- ORGANIZATIONAL STRUCTURE



The Commissions of the Senate is a core mechanism which helps to support the process of implementation of functions of the Senate as a mini-sénats playing crucial roles to fulfil legislation, oversight and representation functions as well as information dissemination within the areas of their competence and report to the Permanent Committee and the Senate.

The Commissions of the Senate have duties, within the areas of their competence, to review and advice on draft law or proposed law or other issues that the Permanent Committee assigns and report back to the Permanent Committee and plenary session of the Senate.

Besides the Permanent Committee, Commissions and add-hoc committee, the Senate has other groups which have be established in accordance with the provision of the Article 11 (new) and Article 38 of the Internal Regulation of the Senate as follow:

1. 5 Senator Groups;
2. 8 Regional Senator Groups;
3. 1 Female Senator Group
4. 15 Parliamentary Friendship Groups

5. 7 Inter-Parliamentary Groups, (AIPA, IPU, APF, CLV, APA, APPF, and ASEP);

6. 1 Anti-corruption Focal Persons Group;

7. 1 Committee on Parliamentary Code of Ethic Senator Group.

These groups exercise their business in line with their roles, duties and competences as well as their monthly budget regimes which shall be defined by the Permanent Committee of the Senate.

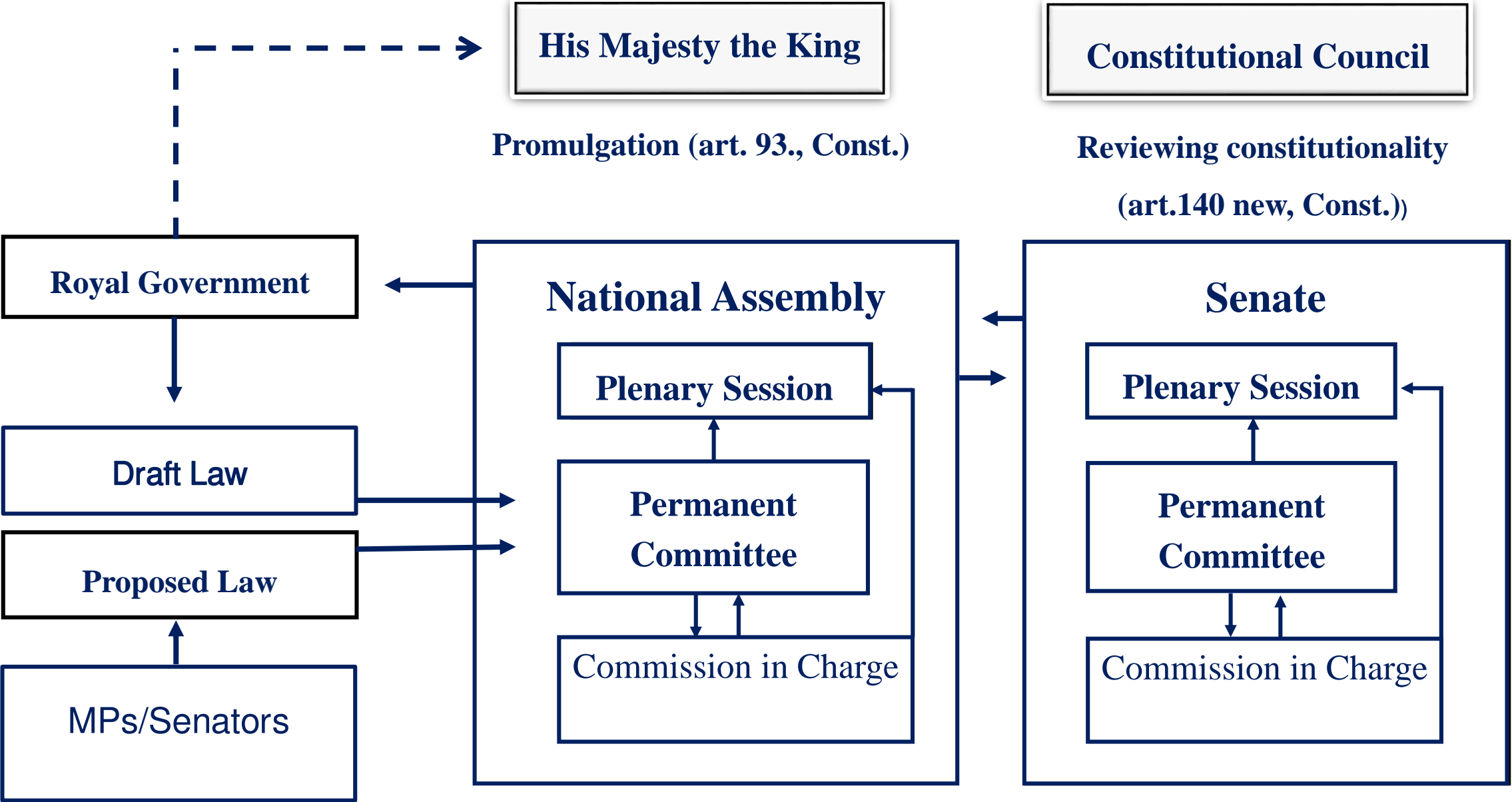
III- PROCEDURE OF REVIEW AND ADVICE ON DRAFT LAW OR PROPOSED LAW

For reviewing and advising on the draft law or proposed law or other issues, the Senate shall comply with the provision of Article 113 (new) of the Constitution and Chapter 6 of the Internal Regulation of the Senate.

The Senate reviews and advices on the draft law or proposed law or other issues in line with the procedures as follow:

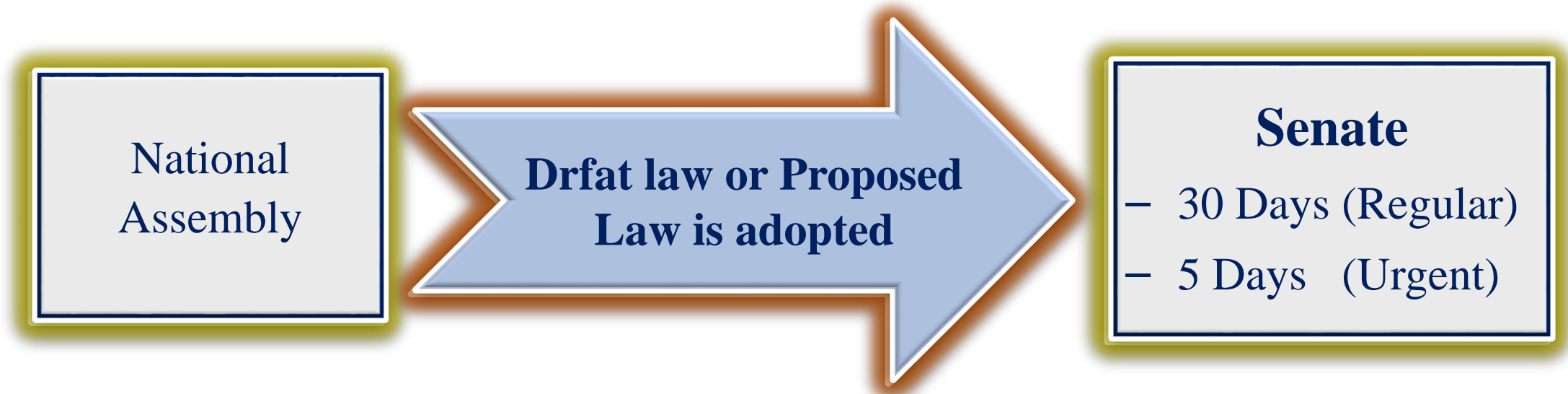
1. Permanent Committee meeting to review and decide on the request of the National Assembly and submit to any commission to review within the areas of its competency.
2. Commission in charge shall review the draft law or proposed law in accordance with procedures stipulated in the Internal Regulation of the Senate.
3. Permanent Committee meeting to review and decide on the request of the commission to incorporate in the agenda of the plenary session of the Senate.
4. Plenary Session of the Senate to review and debate on the draft law or proposed law or other issues.

Outline of Procedure of Review and Approval between NA and SN



IV- SENDING BACK AND FORCE BETWEEN THE NA AND SN

Article 113 (new), Constitution of the Kingdom of Cambodia



**If Senate comments or no comment during the defined duration of time,
the adopted law by the National Assembly shall be promulgated.**

Article 113; Paragraph 3, Paragraph 4, and Paragraph 5



Duration of time for the two houses can be extended equally if the NA keeps or give extra time defined above(the shuffle through the defined time till there is consensus and consent of both houses)

In Case of Senate Objection

(Article 113 (new), Paragraph 6 and 7)

National Assembly
Can't take into second
consideration

[1] prior 1 month (regular law)

[2] prior to 15 days (budget law)

[3] prior to 4 days (urgent law)

Senate
Rejects on the law adapted
by the National Assembly

After the defined time, the National Assembly takes into second consideration and adopts draft law or proposed law by open vote with absolute majority.

V- LEGISLATION COME INTO FORCE

The National Assembly when received comment on the draft law or proposed law shall submit it to the Royal Government to continue its procedure requesting the royal signature of His Majesty the King to promulgate.

Article 28 (new), paragraph 1 of the Constitution stipulates that “His Majesty the King signs the Royal Kram to promulgate the Constitution and the laws adopted by the National Assembly and thoroughly reviewed by the Senate as well as Royal Decree upon the proposal made by the Council of Ministers.”

Article 93 (new) of the Constitution states that “the law voted by the National Assembly and definitely reviewed by the Senate, and being subject to promulgation by His Majesty the King, shall come into force in the capital city of Phnom Penh within definite ten days after the date of promulgation, and throughout the country within twenty days after the date of promulgation. However, if the law is declared urgent, it shall come immediately into force within the whole territory of the country right after the date of promulgation.”

The law signed and promulgated by His Majesty King shall be published on the Royal Gazette and shall be circulated within the whole territory of the country in the set above limited time.

VI- DEFFERENCES BETWEEN THE NATIONAL ASSEMBLY AND SENATE

The Senate and National Assembly are the legislature with the same legislative power, but the National Assembly and Senate have different identities and competences as follow:

National Assembly	Senate
<ul style="list-style-type: none">- <u>Total Members</u>: at least 120 MP (Article 76 new of the Constitution)- <u>Elected</u>: General Election- <u>Legislature</u>: 5 Years- <u>Candidate</u>: person who has right to vote, age at least 25 years old, Khmer Nationality by birth	<ul style="list-style-type: none">- <u>Total Members</u>: No more than half of the total Members of the National Assembly (Article 99 new of the Constitution)- <u>Elected</u>: Non-universal Election, Appointment, and Elected by the National Assembly- <u>Legislature</u>: 6 Years- <u>Candidate</u>: person who has right to vote, age at least 40 years old, Khmer Nationality at birth

- Voters: person who has right to vote at least 18 years old
- Constituency: Municipality, province
- Vote of confidence on the Royal Government, inquire, accused petition and vote out the member of Council of Ministers or the Royal Government
- Can be dissolved prior to the legislature if the Royal Government is being voted out twice during the period of 12 month (Article 78 of the Constitution)

- Electoral Colleagues: Incumbent Members of the National Assembly, members of Commune/Sangkat Council
- Constituency: 8 regions
- Coordinate works between the National Assembly and the Royal Government which is political role
- Cannot be dissolved before the legislature

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សម័យប្រជុំវិសាមញ្ញ





Thank You!