

The 1993 Cambodian Constitution and International Law: A Normative Perspective
by
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Abstract

Although there are several provisions regarding international law in the 1993 Constitution, they are unclear and inconsistent. In addition, several of the norms contained in the Constitution provide narrower protections for human rights than those of treaties.

There are no distinctions between the types of treaties or agreements that require ratification by the executive alone or by both the legislative and executive. There is also no law requiring translation and the official publication of treaties in the Royal Gazette.

*It is correct to say that the Cambodian legal system is dualist in its treatment of treaty law. If it is to be seen as monist, it is a conditional type of monism in the theoretical sense that incorporated treaties or provisions thereof could possibly be directly applied. In practice, however, international law is not **directly** applied by the judiciary. The status of treaty law, though, is clearer than that of customary international law in the Cambodian legal system.*

Like other countries, such as Vietnam and Lao PDR, Cambodia should adopt a law clarifying the status of treaties within its legal system as well as the process by which such law is incorporated into domestic law or whether, in some cases, international law may be directly applied. In the meantime, a compilation of all ratified treaties should be made and comprehensive training of the judiciary in consideration of international legal norms should be provided.

1. Introduction

The Cambodian Constitution is the supreme law of the land and generally incorporates some

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