



ROYAL DECREE ON THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF THE NATIONAL AUTHORITY FOR ALTERNATIVE DISPUTE RESOLUTION

Unofficial Translation

2023



នស/រកត/1123/2381

ROYAL DECREE
ON
THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF THE
NATIONAL AUTHORITY FOR ALTERNATIVE DISPUTE RESOLUTION

WE
PREAHKARUNA PREAH BATH SAMDECH PREAH BOROMNEATH NORODOM
SIHAMONI SAMANPHOUM CHEATSASNA RAKHATKHATEYA
KHEMRAROTHEAS PUTHINTHREA THOREAMOHAKSAT
KHEMREACHNEA SAMOPHROPHEAS KAMPUCH
EKREACHROATBORANAKSANTEH SOPHEAKMONGKULEA SEREYVIBOLAR
KHEMARASREYPIREAS PREAH CHAO KONG KAMPUCHEA THIPADEY

- Having considered the Constitution of the Kingdom of Cambodia;
- Having considered the Royal Decree No. នស/រកត/0823/1981 dated 22 August 2023 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having considered the Royal Kram No. នស/រកម/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having considered the Royal Kram No. នស/រកម/0196/04 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Justice;
- Pursuant to the proposal of Samdech Moha Borvor Thipadei **HUN MANET**, Prime Minister of the Kingdom of Cambodia, as approved by the Council of Ministers during the plenary session on 27 October 2023.

ORDER

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1.

This Royal Decree sets out the establishment, organization, and functioning of the National Authority for Alternative Dispute Resolution as a complementary mechanism to the dispute resolution system in the Kingdom of Cambodia to enhance the quality, efficiency, and speed of the dispute resolution through out-of-court conciliation for the purpose of reducing the caseload of the courts and bringing the dispute resolution service closer to the locals, and ensuring social harmonization and justice in the society.



ARTICLE 2.

The National Authority for Alternative Dispute Resolution has been established, abbreviated as **NAADR**, having the mission to resolve civil, commercial, and other disputes out of court through conciliation based on the agreement or request of the disputing parties, or when the disputing parties accept the conciliation mechanism, except for the disputes which cannot be subject to conciliation as determined by laws.

CHAPTER 2 COMPOSITION, ROLES, DUTIES AND STRUCTURES OF THE NAADR

ARTICLE 3.

NAADR consists of the following members:

- | | | |
|--|---|--------------------------|
| - Deputy Prime Minister | 1 | President |
| - Minister of Inspection | | Vice President |
| - Secretary of State of the Ministry of Interior | 1 | Vice President |
| - Secretary of State of the Ministry of Justice | 1 | Permanent Vice President |
| - Representative of the Office of the Council of Ministers | 1 | Member |
| - Representative of the Ministry of Commerce | 1 | Member |
| - Representative of the Ministry of Women's Affairs | 1 | Member |
| - Representative of the Ministry of Cults and Religions | 1 | Member |
| - Representative of the Bar Association of the Kingdom of Cambodia | 1 | Member |
| - Representative of the Legal and Justice Council of the Ministry of Justice | 1 | Member |
| - Secretary General of the NAADR Secretariat | | General Member. |

NAADR may have additional members as the Vice President or member, as necessary, who are dignitaries representing ministries-institutions of the Royal Government or recruited from among dignitaries with experiences in dispute resolution or expertise in legal, judicial, or social affairs.

The actual composition and additional composition of the **NAADR** shall be appointed by a decision of the Royal Government.

ARTICLE 4.

NAADR has the following roles and duties:

- leading, coordinating, and implementing alternative dispute resolution through conciliation;
- preparing policies, strategic plans, guidelines, measures, and legal instruments for the implementation of the alternative dispute resolution mechanism under its authority;



- issuing code of conduct, operation code, rules, and regulations for the practice of conciliation within its authority;
- accepting complaints requesting out-of-court conciliation;
- establishing mechanisms to review and resolve disputes or complaints locally out of court through conciliation in cooperation with relevant authorities;
- monitoring, collecting information, and evaluating the progress of the alternative dispute resolution work in the Kingdom of Cambodia under its authority;
- reporting to the Head of the Royal Government on work progress, challenges, and proposals for measures relating to the alternative dispute resolution under its authority; and
- performing other duties as assigned by the Head of the Royal Government.

ARTICLE 5.

NAADR has a General Secretariat as an assistant to support its operation. The General Secretariat of the **NAADR** is led by a Secretary General and a number of Deputy Secretary Generals as necessary. The Secretary General and Deputy Secretary Generals of the General Secretariat of the **NAADR** shall be appointed, changed, and terminated by the Royal Decree at the request of the Prime Minister at the request of the President of the **NAADR**.

The Secretary General and Deputy Secretary Generals of the General Secretariat of the **NAADR** shall be recruited from dignitaries or civil servants with at least 5 years of legal, administrative, or financial experiences.

The organization and functioning of the General Secretariat of **NAADR** shall be determined by a sub-decree.

ARTICLE 6.

The officials who are working at the General Secretariat of the **NAADR** are civil servants within the framework of the Ministry of Justice or other relevant ministries and institutions. The General Secretariat of the **NAADR** may have some contract officials to assist the work as necessary.

CHAPTER 3 OPERATION OF THE NAADR

ARTICLE 7.

NAADR shall have regular meetings quarterly or if necessary upon invitation of the President of **NAADR**. The meetings of **NAADR** shall be presided by the President of **NAADR**. If necessary, the President of **NAADR** may delegate the authority to the Vice President to lead the meetings.

The President of **NAADR** may invite representatives of relevant ministries, institutions or authorities, specialists or experts to participate or provide recommendations as necessary.



ARTICLE 8.

NAADR may introduce a uniform and mark for the performance of duties of the conciliation officials. The uniform and mark of the conciliation officials of **NAADR** shall be determined by the decision of the President of the **NAADR**.

NAADR has a separate stamp for use in its operation.

ARTICLE 9.

The President of the **NAADR** may create some conciliation working groups as necessary by the decision to conciliate disputes in accordance with the provisions of this Royal Decree and applicable laws. The conciliation working groups shall be led by the conciliation officials and may consist of others who are legal or social affairs experts.

ARTICLE 10.

Conciliation officials of the **NAADR** may be recruited from among civil servants framework or notaries, lawyers and other legal professionals, or other persons with legal expertise or expertise relating to dispute resolution.

Conciliation officials of the **NAADR** shall be accredited by the **NAADR** to be able to perform its functions in accordance with the provisions of this Royal Decree. Conciliation officials of the **NAADR** shall take an oath organized by the Ministry of Justice prior to performing its functions.

Formalities, procedures, and qualifications for the accreditation to the conciliation officials shall be determined by the **NAADR**.

Conciliation officials of the **NAADR** shall obtain training organized by the Ministry of Justice on legal, and dispute resolution skills, as well as code of conduct and operation code.

CHAPTER 4

THE PROCESS OF THE OUT-OF-COURT CONCILIATION IN THE FRAMEWORK OF NAADR

ARTICLE 11.

Dispute resolution in the framework of **NAADR** shall be conducted through conciliation.

In the conciliation process, the conciliation officials shall provide the disputing parties the opportunity to agree to resolve the disputes amicably and without any coercive decision. The conciliation officials may provide an opinion as a dispute assessment, suggest solutions to the disputes, and advise on the possible consequences of the settlement. However, in all cases, any resolution to the disputes shall be subject to the free and voluntary intention of the disputing parties.



Disputes that are subject to conciliation within the authority of the **NAADR** including civil, commercial, and other disputes based on the laws shall be ended depending on the free will of the disputing parties.

Conciliation within the framework of the **NAADR** could not be conducted for a criminal offense, except permitted by laws.

ARTICLE 12.

NAADR may review and resolve complaints of natural or legal persons in accordance with the conditions set out in this Royal Decree.

NAADR may accept complaints of natural or legal persons, directly or through relevant institutions – both national and sub-national institutions.

ARTICLE 13.

NAADR may review and resolve cases submitted from the lower court in the event that a party to the dispute expresses a willingness to conciliate its dispute. After completing conciliation, **NAADR** shall prepare a report of the outcome of the conciliation for the court that referred the case to the **NAADR** enclosing the case file and related documents.

In the event that the dispute cannot be resolved by conciliation, **NAADR** shall refer the case back to the court to resume the proceedings in accordance with the applicable laws and procedures. The disputing parties shall also have the right to request the court to resume the proceedings in the event that the disputing parties perceive that the conciliation at the **NAADR** would not be appropriate.

Formalities and procedures for the referral of the case between the court and **NAADR** shall be determined by the Minister of the Ministry of Justice.

ARTICLE 14.

Conciliation within the framework of **NAADR** shall be conducted by the conciliation officials who assigned by the **NAADR** or conciliation working groups assigned from or by the **NAADR**.

In reviewing and conciliating the dispute, **NAADR** or conciliation working groups of the **NAADR** or conciliation officials may invite disputing parties, witnesses, or other relevant persons, instruct disputing parties to clarify claims or provide information in addition to the claims or research other information related to the disputes as necessary to be a basis for the dispute resolution. Disputing parties may be represented by their representatives or accompanied by their lawyers or advisors if necessary.

ARTICLE 15.

In the event that the parties agree to settle the dispute, the conciliation officials or conciliation working groups or **NAADR** assigned to work on the case shall issue a minute of settlement. In case the minute of settlement is made in accordance with the provisions of this Royal Decree and other applicable regulations, the parties shall have the right to appeal to



NAADR within 30 days from the date of the minute of settlement. In the event of no appeal within the above 30 days or the appeal is rejected by the **NAADR**, the minute of settlement shall be considered as correct in accordance with the provisions of this Royal Decree.

The minute of settlement that is made in accordance with the provisions of this Royal Decree has the same legal effect as a notary document and shall be considered as *prima facie* until there is evidence proven otherwise or evidence showing fraud or other defects in the minute of settlement.

The application for compulsory execution of the minute of settlement shall be made in accordance with applicable legal procedures. The conciliation officials or conciliation working groups or **NAADR** that issue a minute of settlement shall provide the execution judgment upon request. **NAADR** shall take necessary procedures to ensure the enforcement of the minute of settlement that is made in accordance with the provisions of this Royal Decree.

If the content of the minute of settlement contradicts any mandatory provision or *force majeure*, or public order, or good traditions of the Kingdom of Cambodia, the related parties may exercise their right to file a complaint to the competent court of first instance in accordance with applicable laws and procedures.

The minute of settlement shall not prejudice the legitimate interests of a third party. In this case, the third party may exercise the right to file a complaint before the competent court to protect its interests in accordance with applicable laws and procedures.

ARTICLE 16.

Detailed formalities and procedures of conciliation in the framework of **NAADR** as well as the key content of the minute of settlement shall be determined by **NAADR**.

The Minister of Justice may issue an instruction, if necessary, to ensure the enforcement of the minute of settlement that is made in the framework of **NAADR** in accordance with the provisions of this Royal Decree and applicable laws.

ARTICLE 17.

When performing the duties, the conciliation officials or conciliation working groups of **NAADR** shall have the mission order as well as adhere to the operation code and code of conduct determined by **NAADR**.

Within the framework of its performance, the conciliation officials or conciliation working groups are entitled to request cooperation from the relevant institutions or authorities, if necessary.

ARTICLE 18.

The conciliation officials are not responsible for the performance of their duties in accordance with applicable laws and regulations. However, in performing their duties, the conciliation officials who resolve the disputes by abusing their power with the intention to prejudice rights and legitimate interests or damage the assets of others shall be responsible for what they commit.



CHAPTER 5

RESOURCES OF NAADR

ARTICLE 19.

NAADR has a source of resources from the national budget as a separate package in the framework of the annual national budget of the Ministry of Justice.

NAADR is entitled to receive, manage, and organize funds and gifts derived from international cooperation, development partners, and other legitimate sources for its operation.

ARTICLE 20.

President, Vice President, and members of the **NAADR** as well as the management and officials of the General Secretariat of the **NAADR** receive salary and other allowances for performing their duties.

The conciliation officials as well as members of the conciliation working groups of the **NAADR** receive salary and other allowances for performing their duties.

Salary and other allowances under the framework of **NAADR** shall be determined by a sub-decree.

CHAPTER 6

FINAL PROVISIONS

ARTICLE 21.

Any provision which is contrary to this Royal Decree shall be abrogated.

ARTICLE 22.

Samdech Moha Borvor Thipadei **HUN MANET**, the Prime Minister of the Kingdom of Cambodia is in charge of implementing this Royal Decree from the signed date onward.

[Buddhist calendar]
Royal Palace, 2 November 2023

[Signature]
NORODOM SIHAMONI

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HAVE BEEN STAMPED

submitted to his majesty
please bestow your royal signature
PRIME MINISTER

[Signature]
SAMDECH MOHA BORVOR
THIPADEI HUN MANET

