



Association of Asian Constitutional Courts
and Equivalent Institutions

ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS

BOARD OF MEMBERS

DECISION ON

AMENDMENT OF ARTICLE 5 ON WORKING LANGUAGE AND ARTICLE 22 ON SECRETARIAT OF THE STATUTE OF THE ASSOCIATION OF ASIAN CONSTITUTIONAL COURT AND EQUIVALENT INSTITUTIONS

PURSUANT TO the consensus of the Members of the Association with respect to the necessity of establishment of a permanently operating body for the development of the Association, guided by the decision of the Board of Members adopted in Jakarta on 14 August 2015,

CONSIDERING the results of the First and the Second Meetings of the Secretary Generals of the members of the Association, taking into account the recommendations adopted on 31 May 2016 at the Third Meeting of Secretary Generals and on 9 August 2016 at the Fourth Meeting of the Secretary Generals,

TAKING INTO ACCOUNT the discussion and the agreement of the Board of Members meeting on 12 August 2016 in Bali, Indonesia,

HEREBY AGREES AS FOLLOWS:

1. To amend Article 5 of the Statute, to read as follows:

“Article 5

Working Language

1. The official working languages of the Association shall be English and Russian languages. Simultaneous translation into official working languages of the Association shall be provided at the Board of Members meetings, Congresses and other events held in the framework of the Association’s activity. Correspondence in the framework of the Association’s activity shall be performed in English. Final documents in the framework of the Association’s activity shall be adopted in English unless the Board of Members decides otherwise. Translation of the final document to the other official working language shall be prepared within a reasonable period.

2. Any member may request simultaneous translation into another language at its own expense. The member hosting the meetings of the Board of Members and the Congress shall provide support for the simultaneous translation insofar as practicable.

3. The President of the Association may allow an interpreter to translate the participation of a delegation, at the expense of the delegation, into one or both official working languages of the Association.”

2. To amend Article 22 of the Statute, to read as follows:

*“Article 22
Secretariat*

1. *The functioning of the Association shall be provided by the Secretariat.*

2. *The Secretariat of the Association shall consist of the Host Secretariat and the Permanent Secretariat. The Host Secretariat shall be the secretariat of the Member organizing the next Congress. The Permanent Secretariat shall be the secretariat organized under items 4 and 5 of this Article.*

3. *The primary functions of the Host Secretariat is to assist the Member organizing the next Congress. In the event that a Permanent Secretariat is unable to perform its functions, the Host Secretariat may administer those functions upon a decision of the President.*

4. *The primary functions of the Permanent Secretariat of the Association shall include coordination and planning of activities of the Association except for events regularly held by particular members of the Association, organization of sharing of experience among the members of the Association, conduct of research in the sphere of constitutional justice, popularization of the ideas of constitutionalism and of the activities of constitutional courts and equivalent institutions.*

5. *Structure, constitution and functioning, ongoing functions under the primary functions stipulated in item 4 of the present Article, location, as well as sources of funding of the Permanent Secretariat shall be determined by a decision of the Board of Members. The Permanent Secretariat shall be accountable to the Board of Members.*

The Permanent Secretariat shall be a Joint Permanent Secretariat composed of the following:

- *The Secretariat for Planning and Coordination to be situated in the Republic of Indonesia;*
- *The Secretariat for Research and Development to be situated in the Republic of Korea;*
- *The Center for Training and Human Resources Development to be situated in the Republic of Turkey.*

6. *The President of the Association shall oversee the overall direction of the Secretariat of the Association and coordinate the work of the Host Secretariat and of the Permanent Secretariat within their functions.*

7. *The Host Secretariat and the Permanent Secretariat shall maintain informational exchange.*”

Elaboration

3. Pursuant to the provisions of item 2 of the present Amendment, to constitute the newly established Permanent Secretariat and to begin its operation, as follows:

3.1 To form the Permanent Secretariat of the Association comprising the Secretariat on Planning and Coordination, the Secretariat on Research and Development, and the Center for Training and Human Resource Development

3.2 To stipulate that the functions of the Secretariat on Planning and Coordination shall be as follows:

- Rendering protocol and administrative support to the Association and its Members;
- Encouraging and giving support to the Association in the conduct of relations with international organizations and forums, and other external parties;
- Coordinating activities for the development of human resources, the exchange of human resources, scholarships and internships, excluding activities of the Center for Training and Human Resource Development; and
- Planning and coordinating financial matters concerning the activities of the Association.

3.3 To stipulate that the functions of the Secretariat on Research and Development shall be as follows:

- Planning, conducting and coordinating joint research activities among members and with third parties;
- Conducting studies and formulation of proposals for research activities in the sphere of constitutional justice;
- Publishing an international journal on the outcome of the research activities conducted;
- Constructing and managing a database of profiles and key decisions of Members;
- Conducting research and development activities for the promotion of constitutionalism; and
- Organizing international conferences, seminars and forums at Justice/Judge level and researcher level on research themes chosen.

3.4 To stipulate that the functions of the Center for Training and Human Resources Development shall be as follows:

- Conducting training programs, including summer school, workshops and similar programs within the framework of the Association;
- Providing educational materials to the staff of the Members;
- Coordinating the participation of expert staff of the Members in training activities organized by the Center for Training and Human Resources Development

3.5 To stipulate that the Heads of the Secretariat on Planning and Coordination, the Secretariat on Research and Development, and the Center for Training and Human Resources Development shall be affirmed by the Board of Members upon nomination by the Member hosting the respective Secretariats and Center on its territory and executing its operation. In case such decision is not adopted, the Secretary Generals of those Members shall be the heads of the respective Secretariats and Center by virtue of their positions.

3.6 To stipulate that the structure and staff composition of each Secretariat and the Center shall be decided by the Head of the respective Secretariat and Center.

3.7 Members are entitled to nominate candidates for secondment to the Permanent Secretariat through their Secretary Generals, subject to the preliminary and unconditional consent to bear all expenses for the seconded staff for the period of secondment.

3.8 To stipulate that adoption of the structure of each Secretariat shall be executed by a written decision from its Head. A copy of such decision shall be forwarded to the President of the Association who shall immediately circulate it among all Members.

3.9 To delegate the authority to host on its territory and to execute operation of the Secretariat on Planning and Coordination to the Constitutional Court of the Republic of Indonesia at the account of the latter with the place of residence in Jakarta from the effective date of the present Decision.

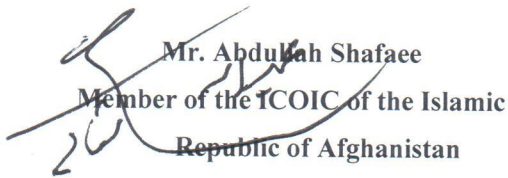
3.10 To delegate the authority to host on its territory and to execute operation of the Secretariat on Research and Development to the Constitutional Court of the Republic of Korea at the account of the latter with the place of residence in Seoul from the effective date of the present Decision.

3.11 To delegate the authority to host on its territory and to execute operation of the Center for Training and Human Resources Development to the Constitutional Court of the Republic of Turkey at the account of the latter with the place of residence in Ankara from the effective date of the present Decision.

3.12 To consider the issue of ongoing assessment of the effectiveness of functioning of the Permanent Secretariat by the Board of Members.

4. That these amendments shall form an integral part of the Statute of the Association.

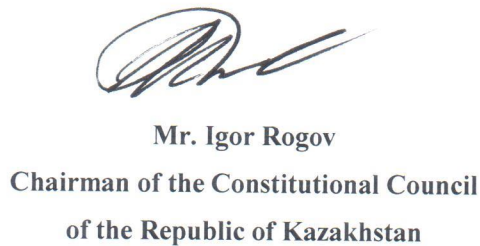
Signed, in Bali, on 12 August 2016.



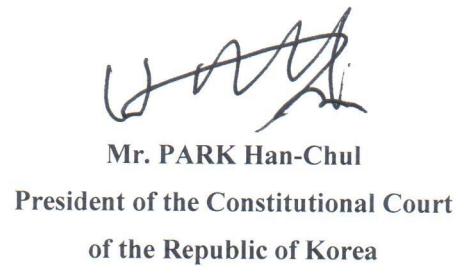
Mr. Abdullah Shafae
Member of the ICOIC of the Islamic
Republic of Afghanistan



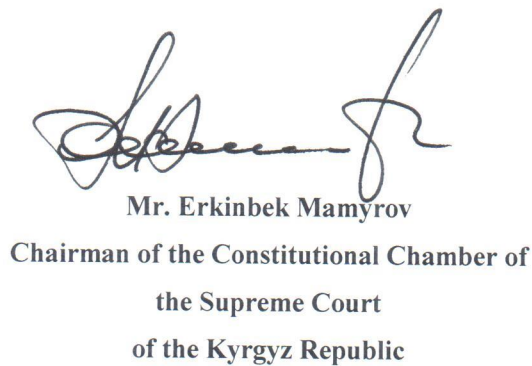
Mr. Arief Hidayat
Chief Justice of the Constitutional Court
of the Republic of Indonesia



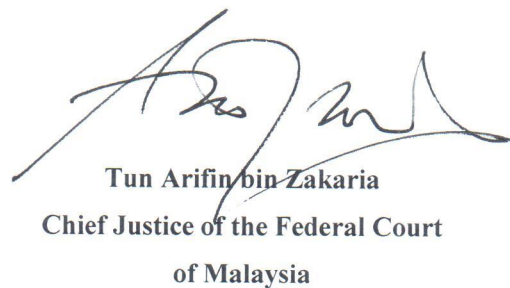
Mr. Igor Rogov
Chairman of the Constitutional Council
of the Republic of Kazakhstan



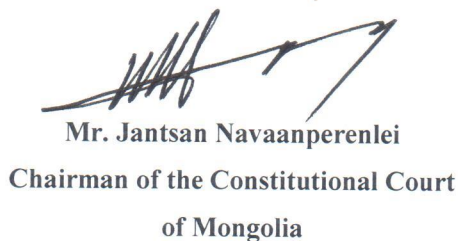
Mr. PARK Han-Chul
President of the Constitutional Court
of the Republic of Korea



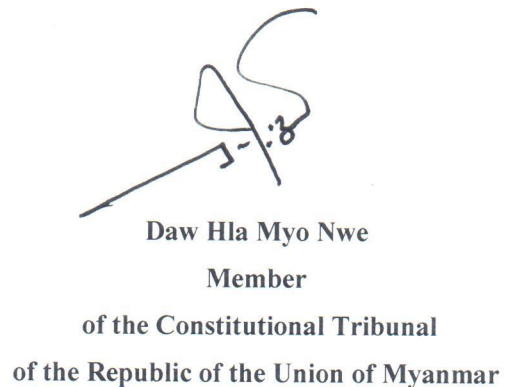
Mr. Erkinbek Mamyrov
Chairman of the Constitutional Chamber of
the Supreme Court
of the Kyrgyz Republic



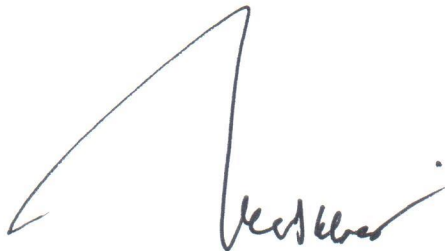
Tun Arifin bin Zakaria
Chief Justice of the Federal Court
of Malaysia




Mr. Jantsan Navaanperenlei
Chairman of the Constitutional Court
of Mongolia



Daw Hla Myo Nwe
Member
of the Constitutional Tribunal
of the Republic of the Union of Myanmar



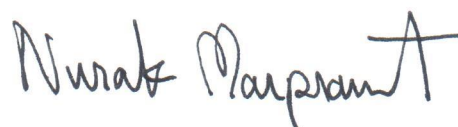
Honorable Maria Lourdes P. A. Sereno
Chief Justice
of the Supreme Court of the Philippines
By: Atty. Ma. Lourdes E. B. Oliveros
Chief Justice Staff Head



Mr. Gadis Gadzhiev
Judge of the Constitutional Court
of the Russian Federation



Mr. Mahkam Mahmudzoda
Chairman of the Constitutional Court
of the Republic of Tajikistan



Mr. Nurak Marpraneet
President of the Constitutional Court
of the Kingdom of Thailand



Mr. Zühtü Arslan
President of the Constitutional Court
of the Republic of Turkey