



**ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS**



Association of Asian Constitutional Courts
and Equivalent Institutions

**MINUTES OF MEETING
BOARD OF MEMBERS MEETING
8 AUGUST 2017
Solo, Central Java, Indonesia**

Opening

1. The Board of Members Meeting ("the Meeting") of the Association of Asian Constitutional Courts and Equivalent Institutions ("the Association") was held in Solo, Central Java, on 8 August 2017. The Meeting was attended by heads and representatives of the members of the Association. The Meeting was conducted in a warm, friendly and cordial atmosphere (list of Delegations attached as **Annex I**).
2. The Meeting was chaired by H.E. Arief Hidayat, Chief Justice of the Constitutional Court of the Republic of Indonesia and Term President of the Association ("President of AACC"). In his opening remarks, he welcomed the delegates to Solo and conveyed his hope that the Meeting could arrive at strategic decisions to strengthen the work of the Association, particularly in the election of new term President of AACC.

Adoption of Agenda

3. The Meeting adopted the Agenda as appears in **Annex II**.

Report of the Meeting of Secretaries-General

4. The Meeting heard the report of the Meeting of the Secretaries-General ("MSG") presented by M. Guntur Hamzah, Secretary General of the Constitutional Court of the Republic of Indonesia, as the Chairman of the Meeting of the Secretaries-General. He highlighted, among others, that MSG was attended by 11 members of the Association. The MSG also expressed their appreciation for the report from Korea, Indonesia and Turkey on the development and progress of their respective permanent secretariats since their establishment in 2016.
5. MSG also discussed several mechanisms for electing the new President of AACC for consideration by the BOMM: voluntary basis, geographical basis, alphabetical order, joint presidency and Permanent Secretariats to carry out the relevant duties in the absence of a new elected President. In this regard, the model of voluntary presidency was preferred, although there were number of members that also favored the rotating presidency by alphabetical order model.
6. MSG also discussed the proposals regarding the proportional sharing of reasonable financial contributions among all members, which would facilitate the work of the Presidency and the AACC.



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7. The Meeting took note of the report of the MSG and its Minutes of Meeting. The Meeting further discussed the report of the MSG. The President of AACC highlighted that the deliberation made during the MSG, in particular on the options of election mechanism of the next President of AACC, the financial contribution, and the proposal of MoU between AACC and CCJA, benefited the Association and would strengthen its effective functions in the future. The five options of the mechanism were noted, while emphasizing the need to find the easiest option to elect the next President as well as the importance of the continuity and the sense of solidarity. The President of AACC also underscored that all three Permanent Secretariats would assist fully the new President of AACC in leading the Association.
8. On financial contribution, the President of AACC highlighted the importance of considering the ability of each member. Therefore, the Meeting mandated the Permanent Secretariat for Planning and Coordination in Jakarta to study various mechanisms available on this matter for further consideration by the next BOMM.
9. Regarding the signing of the MoU between AACC and CCJA, the President shared that the President of CCJA would attend the International Symposium of the AACC in Solo. The President welcomed the prospect of the cooperation between AACC and CCJA as proposed in Bali in 2016. The Meeting assigned the Permanent Secretariat to prepare the necessary document and arrange for the signing of the MoU.

Report and discussion on the progress of the establishment of permanent secretariats

10. H.E. Mr. Jinsung Lee, Justice of the Constitutional Court of the Republic of Korea, briefed the Meeting on the progress of the Permanent Secretariat of Research and Development (SRD) in Seoul. He introduced the concepts, areas of work and research output and working method of the SRD. The functions of SRD are as stipulated in Article 22 of the Statute. While the areas of work of the SRD are comprised of constitutional adjudication, fundamental rights and global constitutionalism, the research output and working method of SRD cover fact files and case law collections, reports and studies, journal and database. He also informed that SRD provides a secondment program for interested participants from member countries. He further informed that funding is available to the seconded officers admitted to the master's degree program at the Seoul National University.
11. H.E. Mr. Zühtü Arslan, President of the Constitutional Court of the Republic of Turkey, provided the meeting with a progress report on the Center for Training and Human Resources Development. The Center has organized various courses including last year's Summer School, which was focused on the theme of right to respect for private and family life. This year, Turkey's Constitutional Court will organize a Summer School on 17 – 24 September with the theme of migration and refugee law.



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12. H.E. Mr. Anwar Usman, Deputy Chief Justice of the Constitutional Court of the Republic of Indonesia, briefed the Meeting that an office has been dedicated for the Permanent Secretariat for Planning and Coordination, and it is currently located at the Ground Floor of the Constitutional Court of the Republic of Indonesia. Not only has it been operational, but the Constitutional Court of Indonesia has secured both financial support and legal basis for the Secretariat, through the issuance of a recent Presidential Regulation. A website has also been developed for the Secretariat and further improvement will be carried out.
13. The Permanent Secretariat for Planning and Coordination has also arranged work plans to coordinate international activities of members of AACC. The Permanent Secretariat will arrange an annual calendar of events of the AACC Members. Therefore, Indonesia encouraged each member to share data on their international activities. The Secretariat will distribute the information to all members and publish it on the website, including coordination of liaison officers of AACC. Considering their critical role, the Secretariat will invite liaison officers to attend a working level meeting to discuss current issues that deserve special attention, such as amendments to the Statute.
14. In response, the President expressed his appreciation of the progress and development of all the permanent secretariats. In this regard, he encouraged members as follows:
 - to submit names of liaison officers to the SRD;
 - to take opportunity of the scholarship provided by SRD;
 - to assign officers to attend courses provided by the Center in Turkey;
 - to provide the Permanent Secretariat for Planning and Coordination with brief information on the history and organizational structure of the respective courts and equivalent institutions;
 - to provide all relevant information, including activities and programs, as well as extracts of courts' decisions to be published in the AACC's website; and
 - to coordinate and combine the members' respective digital libraries.

Discussion on the preparation of AACC's participation at the 4th Congress of WCCJ

15. The Meeting confirmed that during the 4th Congress of WCCJ to be held on 11 – 14 September 2017 in Lithuania, a representative from Korea, H.E. Mr. Yi-Su Kim as a keynote speaker, a representative from Azerbaijan, H.E. Mr. Farhad Abdullayev, will act as a moderator, and a representative from Indonesia, H.E. Mrs. Maria Farida Indrati as a rapporteur.
16. The Russian Delegation informed the Meeting of the situation with the prevention of the judges of the Russian Constitutional Court from entering the territory of the Republic of Lithuania that was imposed by the Lithuanian Ministry of Internal Affairs with the knowledge of the Lithuanian Constitutional Court. They further informed the Meeting that due to this situation they may not be able to participate in the Conference, in fact, solely



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for the adoption of a judicial decision, which might be perceived as a violation of direct provisions of the WCCJ Statute regarding the general participation of all WCCJ members without any exceptions in its Congresses, despite the political attitude of a specific host party. The President of AACC took note of the position of the Russian Delegation and reminded the Meeting that the matter had been discussed at the Bureau Meeting of WCCJ in Venice in March this year. During the meeting, the President of Venice Commission informed about the prevention by the Lithuanian Government against Russian citizens from entering Lithuania. In light of the upcoming 4th WCCJ Congress, the President of Venice Commission would like to request the President of Lithuania to grant the Russian Delegation permission to enter Lithuania.

17. The President of AACC also suggested bringing this matter again to the President of the WCCJ, who would be attending the International Symposium to be held from 9 – 10 August 2017 in Solo.

Election of the new term President of the AACC

18. The Meeting appreciated the willingness expressed by the Chief Justice of Malaysia to hold the next Presidency of AACC. With acclamation, the Meeting elected Malaysia as the new term President of AACC for the period of August 2017 – August 2019. The Meeting simultaneously received the readiness from the Delegation of Kazakhstan to serve as the following term President after Malaysia. The confirmation of such readiness would be given by the end of 2017. The Meeting also received the readiness of the Delegation of Mongolia and Thailand respectively to assume the Presidency in the successive terms.
19. The Chief Justice of Malaysia took the floor and conveyed his gratitude to the members for the trust and confidence in Malaysia to hold the Presidency of the Association. In this regard, Malaysia will be working closely with the three Permanent Secretariats.

Other matters

20. The Meeting agreed to proceed with the signing of the MoU between the AACC and CCJA as appears in **Annex III**. The Meeting mandated the incumbent President of AACC to sign the MoU on behalf of the AACC.
21. The Meeting discussed the importance of expanding the Association's membership. In this regard, the Meeting requested that the President of AACC take appropriate measures with a view of expanding the membership to the Association.

Adoption of Minutes of Meeting

22. The Meeting adopted the Minutes of Meeting.



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Closing

23. The Meeting was concluded by the handing over of the term Presidency from Indonesia to Malaysia.

Mohammad Qasim Hashimzai
Chairman
of the Independent Commission for
Overseeing the Implementation
of the Constitution
of the Islamic Republic of Afghanistan

Rauf Guliyev
Secretary General
of the Constitutional Court
of the Republic of Azerbaijan

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

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

Jinsung Lee
Justice
of the Constitutional Court
of the Republic of Korea

Kuanbek Kirgizbaev
Vice Chairman
of the Constitutional Chamber of the
Supreme Court of the Kyrgyz Republic



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Raus Sharif
Chief Justice
of the Federal Court
of Malaysia

Dorj Odbayar
Chairman
of the Constitutional Court
of Mongolia

Myo Myint
Member
of the Constitutional Tribunal
of the Republic of the Union of Myanmar

Vladimir Sivitskiy
Head of the Secretariat
of the Constitutional Court
of the Russian Federation

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

Zuhtu Arslan
President
of the Constitutional Court
of the Republic of Turkey

Bakhtiyar Mirbabaev
Ex-Chairman
of the Constitutional Court
of the Republic of Uzbekistan



**BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
8 August 2017, Solo, Central Java, Indonesia**



LIST OF DELEGATIONS

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|--------------------|--|--|
| 1. Indonesia | a. Mr. Arief Hidayat
b. Mr. Anwar Usman
c. Mr. Aswanto
d. Mr. I Dewa Gede Palguna
d. Mrs. Maria Farida Indrati
e. Mr. Manahan MP Sitompul
f. Mr. Suhartoyo
g. Mr. Wahiduddin Adams
h. Mr. Indra Rosandry | Chief Justice
(Chairperson)
Deputy Chief Justice
(Head of Delegation)
Justice
Justice
Justice
Justice
Justice
Advisor |
| 2. Afghanistan | a. Mr. Mohammad Qasim Hashimzai | Chairman
(Head of Delegation) |
| 3. Azerbaijan | a. Mr. Rauf Guliyev | Secretary General |
| 4. Kazakhstan | a. Mr. Igor Rogov
b. Mr. Bakyt Nurmukhanov
c. Mr. Kuanysh Aldongarov | Chairman
(Head of Delegation)
Secretary General
Head of Personnel
and Documentation
Department |
| 5. Korea | a. Mr. Jinsung Lee
b. Mr. Yong-hun Kim
c. Ms. Kookhee Lim
d. Mr. Jung Kyung Yoon | Justice
(Head of Delegation)
Secretary General
Deputy Director
International Affairs
Division
Staff |
| 6. Kyrgyz Republic | a. Mr. Kuanbek Kirgizbaev
b. Mr. Marat Dzhambankulov | Vice Chairman
(Head of Delegation)
Advisor to the
Chairman |



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8 August 2017, Solo, Central Java, Indonesia**



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| 7. | Malaysia | a. Mr. Mohammad Raus Sharif
b. Mr. Aslam Zainuddin
c. Mr. Mohd. Aizuddin Bin Zolkeply
d. Mr. Mohd. Abduh bin Md. Hafidz | Chief Justice
(Head of Delegation)
Deputy Chief
Registrar
Judicial Officer
Special Officer III to
the Chief Justice |
| 8. | Mongolia | a. Mr. Dorj Odbayar
b. Mrs. Yondonjugnai Unuborgil | Chairman
(Head of Delegation)
Advisor at Chairman's
Office |
| 9. | Myanmar | a. Mr. Myo Myint
b. Mr. Khin Maung Cho
c. Mr. Hla Myo | Member of Tribunal
(Head of Delegation)
Member of Tribunal
Deputy Director |
| 10. | Russia | a. Mr. Vladimir Sivitskiy
b. Mr. Egor Bushev | Head of Secretariat
(Head of Delegation)
Counsellor,
Department of
International Relations
and Research of
Constitutional Review
Practice |
| 11. | Thailand | a. Mr. Nurak Marpraneet
b. Mr. Punya Udchachon
c. Mr. Chaowana Traimas
d. Mr. Montree Kanokwaree
e. Mr. Pitaksin Sivaroot | President
(Head of Delegation)
Justice
Advisor on Academics
Senior Expert on
Legal Cases
Constitutional Court
Academic Officer /
Interpreter |



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ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
8 August 2017, Solo, Central Java, Indonesia**



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| 12. Turkey | a. Mr. Zühtü Arslan | President
(Head of Delegation) |
| | b. Mr. Abdulah Çelik | Chief-Rapporteur
Judge |
| 13. Uzbekistan | a. Mr. Bakhtiyar Mirbabaev | Ex-Chairman
(Head of Delegation) |
| | b. Mr. Aziz Boltaev | Assistant to Chairman |



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AGENDA

- I. OPENING
- II. ADOPTION OF AGENDA
- III. REPORT AND DISCUSSION REGARDING THE RESULTS OF THE MEETING OF THE SECRETARIES-GENERAL
- IV. REPORT AND DISCUSSION ON THE PROGRESS OF THE ESTABLISHMENT OF THE PERMANENT SECRETARIATS
- V. DISCUSSION ON THE PREPARATION OF AACC'S PARTICIPATION ON THE 4TH CONGRESS OF WCCJ
- VI. ELECTION OF THE NEW TERM PRESIDENT OF THE AACC
- VII. OTHER MATTERS
- VIII. ADOPTION OF MINUTES OF MEETING
- IX. CLOSING



**THE ASSOCIATION OF ASIAN
CONSTITUTIONAL COURTS AND
EQUIVALENT INSTITUTIONS**



**THE CONFERENCE OF
CONSTITUTIONAL JURISDICTIONS
OF AFRICA**

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT
INSTITUTIONS
AND
THE CONFERENCE OF CONSTITUTIONAL JURISDICTIONS OF AFRICA**

The Association of Asian Constitutional Courts and Equivalent Institutions (AACC) and the Conference of Constitutional Jurisdiction of Africa (CCJA), hereinafter referred to as "the Parties",

Considering the necessity of advancing legal cooperation between the two organizations in the spirit of democracy and rule of law through the exchange of experience and information on the constitutional cases and jurisprudence,

Realizing that the increasing and intensified methods of cooperation and exchange of information between the Parties will be mutually beneficial in protecting human rights, enhancing democracy and upholding the implementation of the rule of law in the two regions,

Have agreed as follows:

**Article 1
Purpose of Memorandum**

The Purpose of this Memorandum of Understanding (hereinafter the "MOU") is to provide a framework for cooperation in the field of constitutional law, democracy, rule of law, and human rights between the Parties.

**Article 2
Scope of Cooperation**

On the basis of this MoU, the Parties will cooperate in the following areas:

- a. Exchange of experience in the field of constitutional justice;
- b. Exchange of acts adopted by the Parties within their competencies and other materials of legal character as well as written rules;
- c. Conducting mutual visits of each of the Parties' representatives for the purpose of exchanging information concerning the activities of each association in disseminating democracy and rule of law in each region;
- d. Organization of joint conferences, seminars and other activities on the judicial and legal issues representing mutual interest;
- e. Exchange of officially published research papers, journals, and decisions of the member Courts;
- f. Develop human resources of staff members in the courts and equivalent institutions among Parties;
- g. Other directions agreed by the Parties.

Article 3 Communication

1. Communications between the Parties for the implementation of this MOU will be assigned to the secretariats of the Parties.
2. The Parties may designate one or more members of their staff as liaison officers responsible for exchanging correspondence and making necessary preparation for the implementation of this MoU.

Article 4 Communication Language

The communication between the Parties will be carried out in the English and French language.

Article 5 Legal Status

This MoU cannot be interpreted as an international treaty or agreement, legally binding under international law.

Article 6 Settlement of Disputes

The Parties will resolve any dispute arising from the interpretation of this MOU through negotiations and consultation between the Parties.

Article 7 Amendments

Amendments and revisions to this MOU will be made on the basis of mutual written consent between the Parties.

Article 8
Entry into Effect

This MoU will come into effect on the date of its signature by the representatives of the Parties. Three months prior to the termination of this MOU, either of the Parties notifies in writing its intention to the other Party.

Article 9
Final Provisions

Signed in Surakarta, Indonesia, on 9 August 2017 in two original copies in English and French languages, all texts being equally authentic.

President of the Association of Asian
Constitutional Courts and Equivalent
Institutions



Arief Hidayat

President of the Conference of
Constitutional Jurisdictions of Africa



Mogoeng Mogoeng



**THE ASSOCIATION OF ASIAN
CONSTITUTIONAL COURTS AND
EQUIVALENT INSTITUTIONS**



**THE CONFERENCE OF
CONSTITUTIONAL JURISDICTIONS OF
AFRICA**

**PROTOCOLE D'ENTENTE
ENTRE
L'ASSOCIATION DES JURIDICTIONS CONSTITUTIONNELLES ASIATIQUES
ET INSTITUTIONS ÉQUIVALENTS
ET
LA CONFERENCE DES JURIDICTIONS CONSTITUTIONNELLES AFRICAINES**

L'Association des cours constitutionnelles asiatiques et institutions équivalentes (AACC) et la Conférence de la juridiction constitutionnelle de l'Afrique (CCJA), ci-après dénommés «les Parties»,

Considérant la nécessité de faire progresser la coopération juridique entre les deux organisations dans l'esprit de la démocratie et de l'état de droit à travers l'échange d'expériences et d'informations sur les questions constitutionnelles et de la jurisprudence,

Réalisant que l'augmentation et les méthodes intensification de la coopération et l'échange d'informations entre les Parties seront mutuellement bénéfiques dans la protection des droits de l'homme, le renforcement de la démocratie et le respect de la mise en œuvre de l'État de droit dans les deux régions,

Sont convenus de ce qui suit:

**Article 1
But du Mémorandum**

Le but de ce Protocole d'Entente (ci-après le «PE») est de fournir un cadre de coopération dans le domaine du droit constitutionnel, de la démocratie, de la primauté du droit et des droits de l'homme entre les Parties.

Article 2

Domaine de la coopération

Sur la base de ce Protocole d'Entente, les parties coopèrent dans les domaines suivants:

- a. Echange d'expériences dans le domaine de la justice constitutionnelle;
- b. Échange d'actes adoptés par les Parties dans le cadre de leur compétence et autres documents de caractère juridique, ainsi que des règles écrites;
- c. Effectuer des visites réciproques chez chaque représentant des Parties dans le but d'échanger des informations concernant les activités de chaque association en vue de la diffusion de la démocratie et de la primauté du droit dans chaque région;
- e. Organisation conjointe de conférences, de séminaires et autres activités sur les questions judiciaires et juridiques représentant un intérêt mutuel;
- f. Échange de documents de recherche publiés officiellement, des revues, et des décisions des Cours membres;
- j. Développer les ressources humaines et échanger les expériences du personnel en service dans les tribunaux et institutions équivalentes entre les Parties;
- h. D'autres instructions convenues par les Parties.

Article 3

La communication

1. La communication entre les parties pour la mise en œuvre de ce Protocole d'Entente sera assignée aux secrétariats des Parties.
2. Les Parties peuvent désigner un ou plusieurs membres de leur personnel en tant qu'agents chargés de l'échange de correspondance et des préparatifs nécessaires pour la mise en œuvre de ce Protocole d'Entente.

Article 4

Langue de communication

La communication entre les Parties sera effectuée dans les langues anglaise et française.

Article 5

Statut légal

Ce protocole d'accord ne peut être interprété comme un traité ou un accord international juridiquement contraignant en vertu du droit international.

Article 6
Règlement des différends

Les Parties résolvent tout différend découlant de l'interprétation de ce Protocole d'Entente par le biais des négociations et des consultations entre les Parties.

Article 7
Modifications

Les modifications et révisions de ce Protocole d'Entente seront effectuées par consentement mutuel écrit entre les Parties.

Article 8
Entrée en vigueur

Ce Protocole d'Entente entrera en vigueur à la date de sa signature par les représentants des Parties. Trois mois avant l'expiration de ce protocole d'entente, l'une des Parties notifie par écrit son intention de le reconduire à l'autre Partie.

Article 9
Dispositions finales

Signé à Surakarta, Indonesia, le: 9 août 2017 en deux exemplaires originaux, en langues française et anglaise, les deux textes faisant également foi.

Président de l'Association des Cours
constitutionnelles d'Asie et Equivalent
Institutions



Arief Hidayat

Président de la Conférence des
juridictions constitutionnelles
Africaines



Mogoeng Mogoeng