



THE ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS

MEETING OF THE SECRETARY GENERALS

30-31 May 2016, Jakarta-Indonesia

Minutes of Meeting

Meeting of the Secretary Generals of the Association of Asian Constitutional Courts and Equivalent Institutions

30 – 31 May 2016

Jakarta, Indonesia

OPENING

The Meeting of the Secretary Generals of the Association of Asian Constitutional Courts and Equivalent Institutions (the Meeting) was held in Jakarta, Indonesia, on 30–31 May 2016. The Meeting was chaired by the Secretary General of the Constitutional Court of the Republic of Indonesia, Mr. Guntur Hamzah, in his capacity as the Secretary General of the Term President of the Association.

The Meeting was attended by the Secretary Generals and representatives of the Association from 13 (thirteen) member countries, namely Afghanistan, Azerbaijan, Indonesia, Korea, Malaysia, Mongolia, Myanmar, the Philippines, Kyrgyz Republic, Russia, Thailand, Turkey, and Uzbekistan. The list of delegates appears as [Annex I](#).

The Secretary General of the Constitutional Court of the Republic of Indonesia welcomed the participants to the Meeting. He stated that the Meeting of the Secretary Generals was the third of its kind since it was initiated in 2015 by the Constitutional Court of the Republic of Indonesia as the Term President of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC). He further stated that the Meeting was particularly special as it was the first time for the two new members of the Association, the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic and the Constitutional Tribunal of Myanmar. He emphasised the important task of strengthening the Association as it would support the development of the Association and help the Association to expand its relations with other partners or institutions.

In his welcoming remarks, the Chief Justice of the Constitutional Court of the Republic of Indonesia, H.E. Arief Hidayat welcomed all of the participants to the Meeting

and noted that their presence signified their collective commitment to advance the work and goals of the AACC. He emphasised that in its relatively early development as an association, the AACC has already gained acclamation for its instrumental role in fostering constitutionalism in the Asian region. Nevertheless, he reminded the participants of the challenges faced by the Association in its effort to strengthen and develop better coordination among members. The Chief Justice emphasized the critical importance of the Meeting to discuss thoroughly the Working Paper on Analysis of Options for the Secretariat of the Association with the objective of providing recommendation for decision by the next Board of Members Meeting to be held in Bali, Indonesia.

AGENDA ITEM I : ADOPTION OF AGENDA

The Meeting adopted the Provisional Agenda and it appears as Annex II.

AGENDA ITEM II : DISCUSSION ON THE WORKING PAPER ON ANALYSIS OF OPTIONS FOR THE SECRETARIAT OF THE ASSOCIATION

The Secretary General of the Constitutional Court of the Republic of Indonesia as the Chairman of the Meeting began the discussion on the Working Paper by inviting members of the Association to share their general observations regarding the Paper. The general overview indicated a few salient points, among others, members' appreciation of the Working Paper as prepared by Indonesia, members' concurrence with the idea to strengthen the AACC through the enhancement of the secretariat; the necessity to amend the Statute of the Association accordingly; financial repercussions of establishing a permanent secretariat, and a proposal to make Russian the second working language of the AACC. The Meeting took note of the interest of the Supreme Court of the Philippines to share responsibilities in research and development work should a permanent secretariat be established.

Apart from the Working Paper, the Chairman also informed the meeting about the proposal by Indonesia and Korea to establish a joint secretariat of the AACC and the letter from the Constitutional Court of Turkey conveyed to the Term President responding to the joint proposal by Indonesia and Korea.

Indonesia and Korea then presented their proposal to the Meeting, which contained their intention to establish a Joint Permanent Secretariat based upon the division of duties such that the Korean Secretariat would be responsible for Research and Development and the Indonesian Secretariat for Planning and Coordination. The proposal also responded to the Meeting's questions regarding financial arrangements, explaining that the two host countries will bear all overhead costs, while costs relating to

seconded staff will be covered by the sending members, and voluntary contribution will be accepted from members who have the capacity to do so (power point presentation by Korea and Indonesia appears as **Annex III**). Turkish Delegation explained that they were opposed to the proposal to establish a joint secretariat as they deemed that it was not practical and not feasible. Instead, the Turkish Delegation expressed its preference for the Single Permanent Secretariat or the alternative permanent secretariat with a limited term of 5 or 7 years. The Turkish Delegation also expressed its readiness to host permanent secretariat of AACC.

The Turkish Delegation will prepare a paper that will elaborate its proposal in no more than one month's time for consideration at the Board of Members Meeting in August this year.

Most members shared the view that a permanent secretariat is indeed a necessity to the Association. The meeting took note of the support from several members for the strengthening of the current Rotating Secretariat. Several members emphasized that although the Meeting could not make any decision on these issues as they defer to the Board of Members Meeting in August this year, they shared the same view of the importance of the Meeting of the Secretary Generals to prepare recommendations to the Board of Members Meeting.

All documents related to the proposals of the establishment of the permanent secretariat will be redistributed to all members for their further perusal. In this regard, the Philippines already submitted its written Formal Manifestation related to the establishment of a permanent secretariat.

The Chairman concluded the Agenda by noting four salient points raised during the discussion to be recommended to the Board of Members Meeting, as follows:

- First, the members of the Meeting were of the same view regarding the importance of establishing a permanent secretariat of the Association in order to advance the future works of the Association and to enhance the activities and cooperation of the Association with various partners or institutions at the region;
- Second, as to the mechanism to meet this objective of strengthening the Association, the meeting noted options as follows: the establishment of a permanent secretariat in the form of either a joint permanent secretariat or a single country permanent secretariat or a permanent secretariat with a limited term of 5 or 7 years;
- Third, the Meeting remained committed to uphold the principle of making best efforts by consensus in the decision making for the options that will be deliberated by the next Board of Members Meeting; and
- Fourth, any decision that will be taken by the Board of Members Meeting would require amendments to the AACC Statute. Hence, the Meeting took note that preparatory works relating to the necessary adjustments or amendments to the Statute should be prepared and members were invited to submit their amendment

proposal through e-mail correspondence to the Term President and circulated to all members for their perusal. The Secretariat of the Constitutional Court of Indonesia will compile all proposals and present them for consideration of the upcoming Board of Members Meeting.

The Meeting took note and will look forward to the proposal from Turkey including its assessment on the permanent secretariat model with a limited term of 5 or 7 years, which Turkey will circulate in no more than one month's time.

The Meeting was of the view that as the establishment of a permanent secretariat or the adoption of any other working language will require amendments of the Statute, particularly Articles 5 and 22, the Meeting agreed any proposals regarding amendments of the Statute shall be submitted to the Term President on or before July 15, 2016. It was agreed that any proposals submitted should be also be immediately copy-furnished to all members. The deadline was necessary as to give ample time for the Presidents of each Member Institution to prepare to respond at the next Board of Members' Meeting.

The Meeting took note that any interested Member may put forth its candidacy to be the next Term President of the Association and can submit its written intent addressed to the incumbent Term President on or before July 15, 2016, as well. It was further discussed that any proposals to amend the Statute can also reflect provisions regarding proceedings relating to the candidacy or selection of the Term President of the Association, rules relating to the submission of issues to the agenda of the Board of Members Meeting, proposals regarding the issues of the agenda of the Board of Members Meeting, as well as the process for amending the Statute itself.

AGENDA ITEM III : PREPARATION OF THE BOARD OF MEMBERS MEETING AND THE 3RD CONGRESS OF THE AACC

The Chairman informed the meeting about the administrative arrangement and theme of the 3rd Congress of the AACC to be held in Bali, on 8–13 August 2016. The theme, as was agreed in the last Board of Members Meeting in 2015, was on the Promotion and Protection of Citizen's Constitutional Rights. The presentation delivered by the Indonesian Delegation appears as **ANNEX IV**.

The Meeting agrees that they have been well-informed on the information and preparation for the next AACC Congress as prepared by Indonesia.

AGENDA ITEM IV : OUTCOMES OF THE WCCJ BUREAU MEETING

The Chairman informed the Meeting on the participation of the Chief Justice of the Constitutional Court of the Republic of Indonesia, as the Term President of the AACC, at the World Conference on Constitutional Justice (WCCJ) on 11–12 March 2016 in Venice, Italy. He informed that the next WCCJ meeting would take place on 11–14 November 2017 in Vilnius, Lithuania under the theme "The Rule of Law and Constitutional Justice in the Modern World". AACC was invited to take participation at the next Conference by nominating keynote speaker, moderator, and rapporteur representing AACC at the next WCCJ meeting in 2017. The nominations are expected to be submitted before 30 November 2016.

At the Venice Meeting, the Chief Justice had requested the WCCJ that all members of AACC can be extended invitation to the next WCCJ meeting in 2017. The Venice Commission and the Constitutional Court of Lithuania welcomed the suggestion and are open to applications from individual members of the AACC or a collective application through AACC. Each participant to the next Conference is limited to up to 4 (four) persons. The Chief Justice also suggested to the WCCJ that the AACC at the WCCJ Bureau can be represented by the Term President of AACC.

The WCCJ Bureau had recommended important amendments to the Statute of WCCJ:

- First, to include membership to the Bureau of individual courts on the basis of regional representation. At the current moment, the WCCJ Statute only accommodates representation from individual courts of the European, American and Asia/Oceania continents. In this regard, the Bureau proposed to include representation from the African continent as one of the Bureau's members; and
- Second, amendment regarding membership on the basis of regional or linguistic group to meet up with recent developments on the establishment of association of constitutional courts in Central and West Africa, which is the Network of Constitutional Courts and Councils of Central West Africa (NCCCCWA).

The Chairman proposed that these two amendments to the WCCJ can also be deliberated and decided on at the next Board of Members' Meeting.

At the Bureau's Meeting, the Term President of AACC also suggested that the representatives of AACC at the WCCJ's Bureau can be represented by those countries serving as the term President of AACC as well as former Term Presidents of AACC. This is in order to maintain sustainability of programs of WCCJ to the members of AACC.

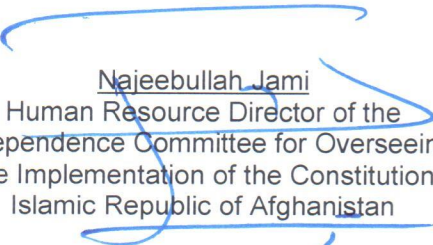
AGENDA ITEM V : OTHER ISSUES


The Indonesian Delegation briefed the Meeting on the outcomes of the visit by the President of the Constitutional Court of the Republic of Indonesia, H.E. Arief Hidayat, to the Secretariat of the Conference on the Constitutional Jurisdiction of Africa (CCJA) in Algeria. He was invited in his capacity as the Term President of the AACC. The Indonesian Delegation informed that the CCJA had expressed their interest to establish cooperation with the AACC.

The Meeting also discussed the possibility and the forms of cooperation that can be fostered between AACC and CCJA. In this regard, the Indonesian Delegation proposed that a memorandum of understanding between AACC and CCJA can be concluded at the upcoming Congress and further identify areas of cooperation, among others, exchange of information and exchange of experts, as well as study on landmark decisions. To this end, the Indonesian delegation will send to the members of AACC the draft Memorandum of Understanding between AACC and CCJA for perusal by members on or before July 15, 2016.

All members agreed that they will report decisions of the Meeting to their respective Presidents or Chief Justices.

Jakarta, 31 May 2016


Najeebullah Jami
Human Resource Director of the
Independence Committee for Overseeing
the Implementation of the Constitution
Islamic Republic of Afghanistan


Rauf Guliyev
Secretary General of the Constitutional
Court
Republic of Azerbaijan


M. Guntur Hamzah
Secretary General of the Constitutional
Court
Republic of Indonesia


Kim Yong-Hun
Secretary General of the Constitutional
Court
Republic of Korea



Turarbek Masybaev
Secretary General of the Constitutional
Chamber of the Supreme Court
Kyrgyz Republic



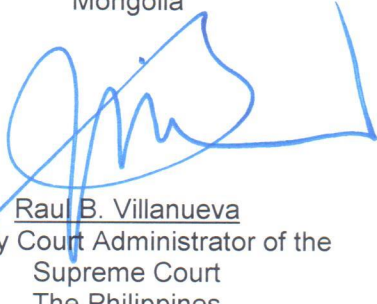
Aslam bin Zainuddin
Deputy Chief Registrar of the Federal
Court
Malaysia



Danikhuu Bayanbileg
Head of the Secretariat of the
Constitutional Court
Mongolia



Hla Htay
Deputy Director General of the
Constitutional Tribunal
Union of Myanmar



Raul B. Villanueva
Deputy Court Administrator of the
Supreme Court
The Philippines




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



Pimol Thampitakpong
Secretary General of the Constitutional
Court
Kingdom of Thailand



Selim Erdem
Secretary General of the Constitutional
Court
Republic of Turkey



Sharof Saidkulov
Head of the Secretariat of the
Constitutional Court
Republic of Uzbekistan

ANNEX I



Association of Asian Constitutional Courts
and Equivalent Institutions

THE ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS

MEETING OF THE SECRETARY GENERALS

30-31 May 2016, Jakarta-Indonesia

List of Delegates

Chairman

1. Indonesia a. Mr. Guntur Hamzah Secretary General Constitutional Court

Delegation

1. Indonesia

- a. Mr. Noor Sidharta Head of Center for Case Law Study and Research, Management of Information and Communication Technology Constitutional Court
- b. Mr. Widya Rahmanto Advisor on Technical Cooperation
- c. Mr. Evan Pujonggo Advisor on Technical Cooperation
- d. Mr. Pan Muhammad Faiz Researcher

2. Afghanistan a. Mr. Najeebullah Jami Human Resource Director ICOIC

3. Azerbaijan a. Mr. Rauf Guliyev Secretary General Constitutional Court

4. Korea

- a. Mr. KIM, Yong-Hun Secretary General Constitutional Court
- b. Mrs. LIM, Kook-Hee Deputy Director
- c. Ms. CHOI, Ji-Eun Translator

5. Kyrgyz Republic

- a. Mr. Turarbek Masybaev Secretary General Constitutional Chamber of the Supreme Court
- b. Mr. Kanybek Masalbekov Head of International Department

6. Malaysia a. Mr. Aslam Bin Zainuddin Deputy Chief Registrar (Policy) Federal Court



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THE ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS

MEETING OF THE SECRETARY GENERALS

30-31 May 2016, Jakarta-Indonesia

	b. Mrs. Rozi Binti Bainon	Director of Policy & Legal Department	
7. Mongolia	a. Mr. Danikhuu Bayanbileg	Head of Secretariat	Constitutional Court
	b. Mrs. Yondonjugnai Unuborgil	Advisor of the Cooperation, Information and Technology Department	
8. Myanmar	a. Mr. Hla Htay	Deputy Director General	Constitutional Tribunal
	b. Mr. Hla Myo	Deputy Director	
9. The Philippines	a. Mr. Raul B. Villanueva	Deputy Court Administrator (Attorney)	Supreme Court
	b. Mrs. Anna-Li Papa Gombio	Deputy Clerk of Court and Executive Officer (Attorney)	
10. Russia	a. Mr. Vladimir Sivitskiy	Head of the Secretariat	Constitutional Court
	b. Mr. Egor Bushev	Counsellor Department of International Relations and Research of Constitutional Review Practice	
11. Thailand	a. Mr. Pimol Thampitakpong	Secretary General	Constitutional Court
	b. Ms. Sivaporn Chalermwong	Director of Standard of Case Work Group 2	
12. Turkey	a. Mr. Selim Erdem	Secretary General	Constitutional Court
	b. Mr. Yücel Arslan	Rapporteur Judge	
13. Uzbekistan	a. Mr. Sharof Saidkulov	Head of the Secretariat	Constitutional Court

ANNEX II



Association of Asian Constitutional Courts
and Equivalent Institutions

THE ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS

MEETING OF THE SECRETARY GENERALS

30-31 May 2016, Jakarta-Indonesia

PROVISIONAL AGENDA

- Item I** : **Adoption of Agenda**

- Item II** : **Discussion on the Working Paper on the Analysis of Options for the Secretariat of the Association**

- Item III** : **Preparation for the Board of Members Meeting and the 3rd Congress of AACC**

- Item IV** : **Outcome of the WCCJ Bureau Meeting**

- Item V** : **Other Matters**

ANNEX III

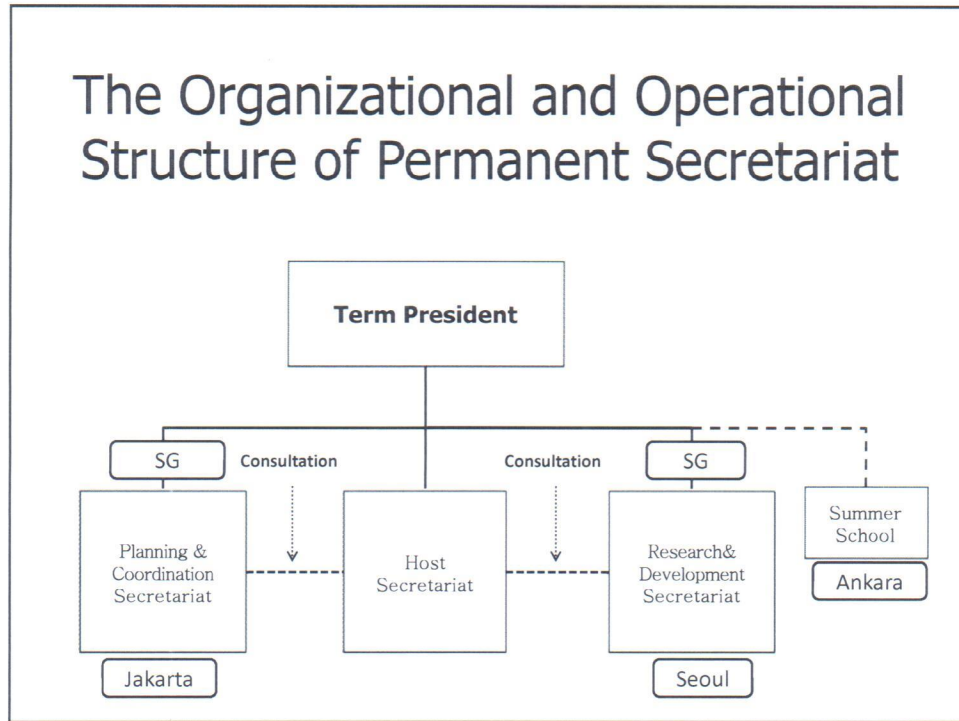
Proposal for establishing Permanent Secretariat of AACC

Jointly prepared by the Constitutional Court of Korea
& the Constitutional Court of Indonesia

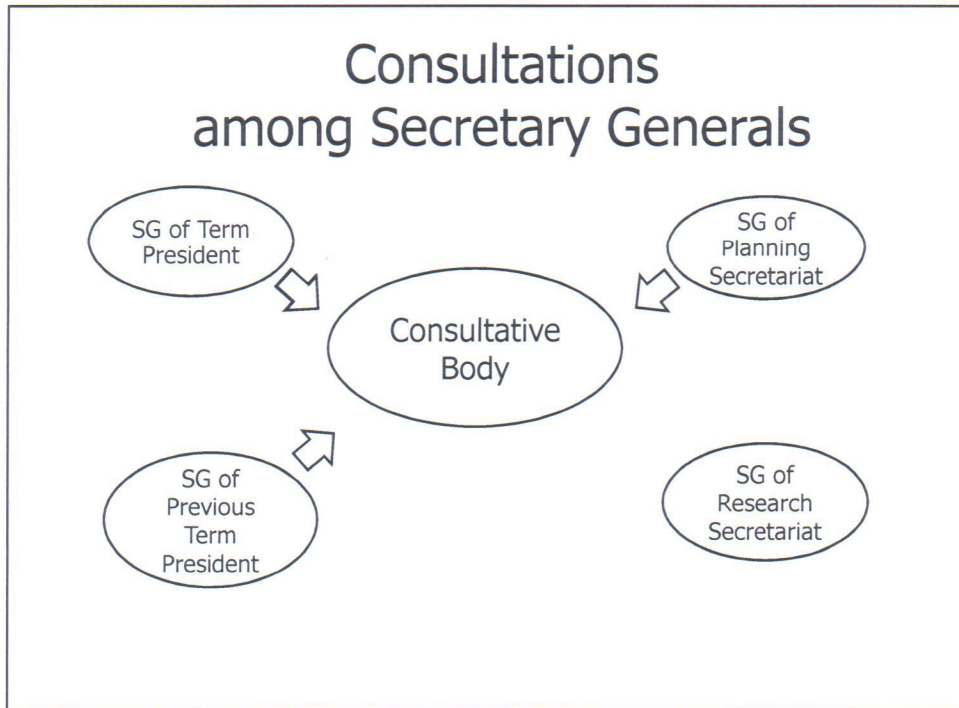
Secretary General

- Nominated by the Constitutional Court where the Permanent Secretariat is located and to be approved by BOMM
- Ex-officio post to be held by SG of the Constitutional Court hosting the Permanent Secretariat

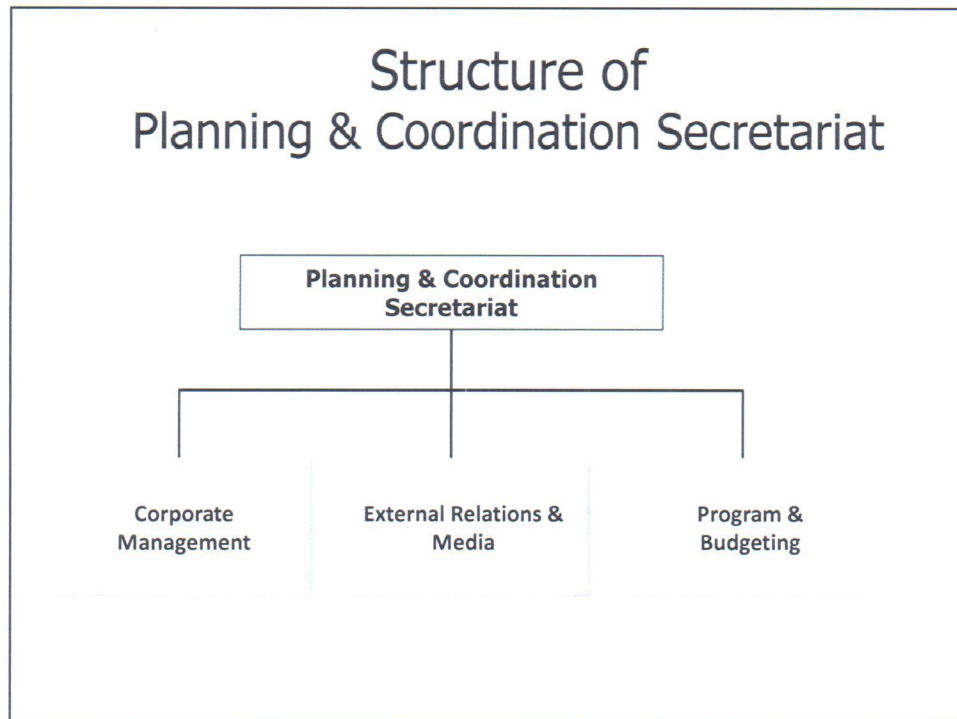
The Organizational and Operational Structure of Permanent Secretariat



Consultations among Secretary Generals



Structure of Planning & Coordination Secretariat



Planning & Coordination Secretariat

- Department of Cooperation Management is responsible for:
 - Protocol and administrative supports to the AACC member states
 - Administration of the organization and membership of the AACC
 - Carrying out the related procedure of membership withdrawal
 - Management of observers (receiving application and sending invitation to AACC)
 - Preparation and organization of the meetings(MSG, BOMM and Congress if needed)
 - Coordination of translation issues between members and the court hosting the congress

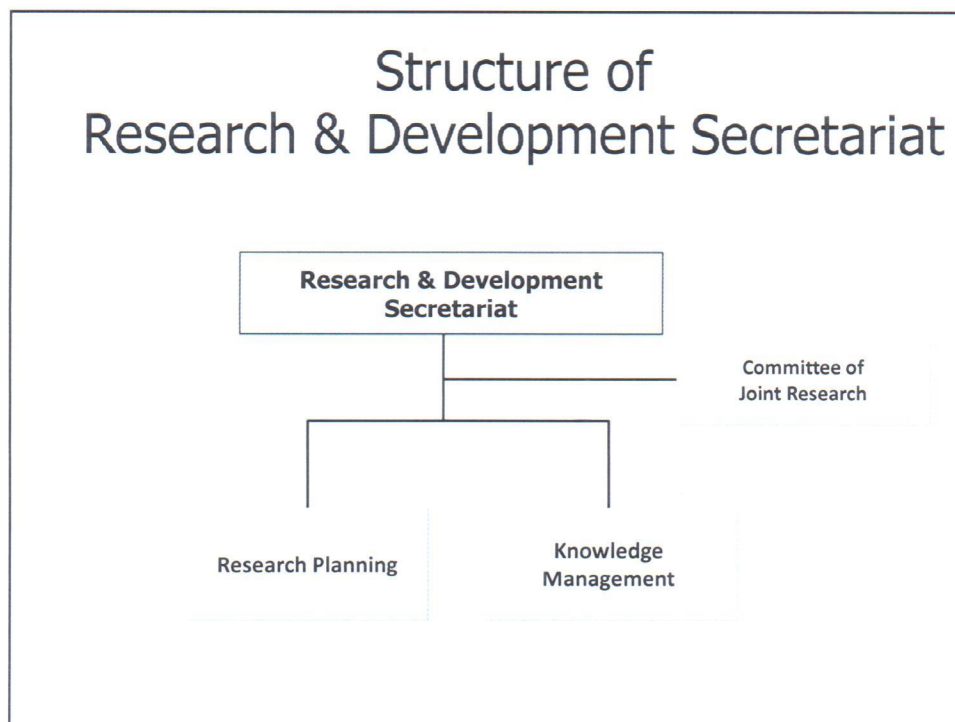
Planning & Coordination Secretariat

- Department of External Relations & Media is responsible for:
 - Relations with international organizations, forums and media
 - Representing the Association along with the President on the Venice Commission's WCCJ Bureau Meeting
 - Management of the AACC website, journal, publications
 - Publishing reports
 - Coordinating with the host of the Congress for press conference
 - Preparing and distributing written information

Planning & Coordination Secretariat

- Department of Program & Budgeting is responsible for:
 - Activities of human resource development & exchange, scholarship, etc.
 - Capacity development program
 - Drawing up budget for the Congress to be submitted for the approval of BOMM (coordination for the financial settlement)
 - Coordinating fund raising for activities of the AACC
 - Issues on financial contribution made on a voluntary basis and from third parties
 - Preparing financial statement

Structure of Research & Development Secretariat



Research & Development Secretariat

- Department of Research Planning is responsible for:
 - Conducting and coordinating joint research among members and with third parties
 - Conducting studies and formulation of proposals for activities of scientific themes
 - Conducting internship programs in Korea
 - Publishing an international scientific journal

Research & Development Secretariat

- Department of Knowledge Management is responsible for:
 - Managing database of the profiles of members
 - Managing database of decisions of the Constitutional Courts of member states

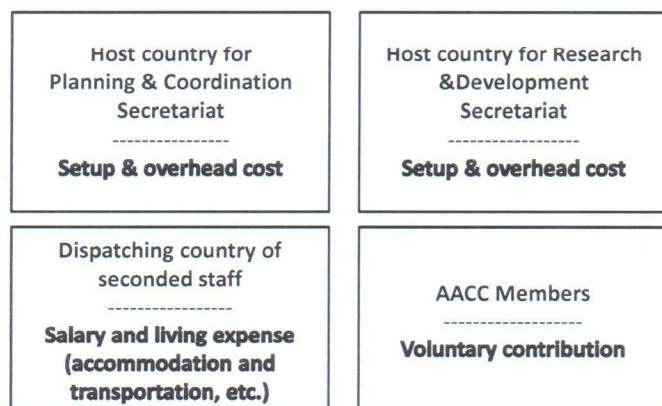
Research & Development Secretariat

- Committee of Joint Research is responsible for:
 - Conducting research and developing activities for the promotion of constitutionalism in the AACC
 - Organized at the Justice level and Researcher level and working level if necessary

Financing of the Permanent Secretariat

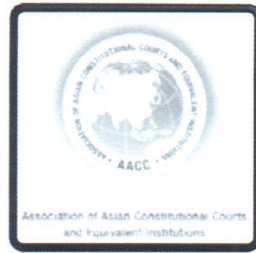
- ✓ The host country of each Secretariat being located covers the overhead cost for setting up and operation of the Secretariat
- ✓ The dispatching country covers the salary and other cost (accommodation and transportation) for their seconded staff
- ✓ Members of AACC may support the Secretariat via voluntary contribution

Financing of the Permanent Secretariat



Thank you!

ANNEX IV



The 3rd Congress
Association of Asian Constitutional Courts and Equivalent Institutions
Nusa Dua, 9-13 August 2016

DATE

9 August 2016

- Meeting of the Secretary General IV

10 August 2016

- Initial Board of Members Meeting

11 August 2016

- Congress Day 1

12 August 2016

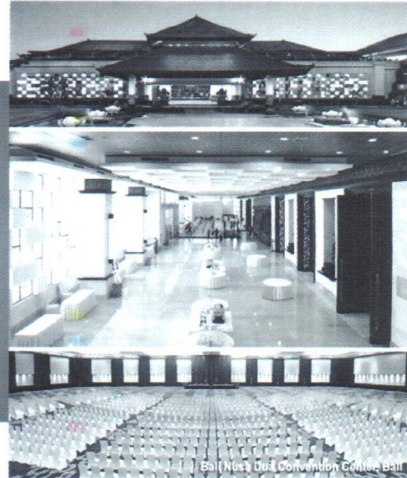
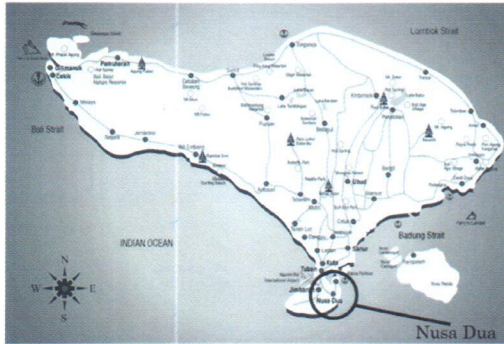
- Congress Day 2
- Final Board of Members Meeting

13 August 2016

- Cultural Program

Venue

Bali Nusa Dua Convention Centre (BNDCC)



Meeting of the Secretary General IV

Agenda

The Meeting of the Secretary Generals will be held on 9 August 2016 with the following agenda:

- Report from Secretary Generals regarding feedback from their respecting Heads of Institution on the result of the Meeting of the Secretary Generals on 30-31 May 2016
- Final preparation of the Board of Members Meeting and the 3rd Congress of AACC

Initial Board of Members Meeting

Agenda

The initial BOMM shall be held on 10 August 2016 with the following agenda:

- Report on the Working Paper on the Analysis of Options for the Secretariat of the Association by the Secretary General of the Constitutional Court of the Republic of Indonesia
- Decision on the establishment of Permanent Secretariat of the Association
- Discussion on the outcome of WCCJ Bureau Meeting

Final Board of Members Meeting

Agenda

The second and Final BOMM shall be held on 12 August 2016 with the following agenda:

- The reports from Term President of AACC for the period of 2014-2016;
- The election of the Term President of AACC for the period of 2016-2018;
- Discussion on the contents of the Bali Declaration.
- The signing of the Bali Declaration;

The 3rd Congress

Theme

Promotion and Protection of Citizen's Constitutional Rights

Participants

- AACC Members
 - Afghanistan
 - Azerbaijan
 - Indonesia
 - Kazakhstan
 - Kyrgyzstan
 - Malaysia
 - Mongolia
 - Myanmar
 - Pakistan
 - Republic of Korea
 - Russia
 - Tajikistan
 - Thailand
 - The Philippines
 - Turkey
 - Uzbekistan

- President of Regional and Linguistic Group
 - Association of Constitutional Courts using the French Language (ACCPUF)
 - Commonwealth Courts
 - Conference of Constitutional Control Organs of Countries of New Democracy
 - Conference of Constitutional Courts of Portuguese Speaking Countries
 - Conference of Constitutional Jurisdiction of Africa
 - Conference of European Constitutional Courts
 - Ibero-American Conference on Constitutional Justice
 - Southern African Chief Justices Forum
 - Union of Arab Constitutional Courts and Councils
 - Venice Commission
- Observers and Guests

Provisional Program of the 3rd Congress

- Announcement of Bali Declaration
- Handing over AACC flag to the new Term President of AACC

Technical Arrangement

- Language
 - Official working language: English
 - SIS support: Bahasa Indonesia, English, French, Russian, Spanish, German
- Accommodation
 - The host will cover 3 rooms for Head of Delegations, spouse, Secretary General, and one supporting member.
 - Rooms will be available from 8 – 14 August 2016.
- Transportation
 - The host will be responsible for all local transport, including transfer from and to the Ngurah Rai International airport and during the program.

