



MAHKAMAH KONSTITUSI
REPUBLIK INDONESIA



**BOARD OF MEMBERS MEETING
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS**

14th AUGUST 2015
JAKARTA, INDONESIA

MINUTES OF MEETING

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ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS AND EQUIVALENT INSTITUTIONS

Jakarta, 14 August 2015

Opening

1. The Meeting of the Board of Members (BOMM) of the Association of Asian Constitutional Courts and Equivalent Institutions (“the Association”) was held in Jakarta, Indonesia on 14th August 2015. The Meeting was hosted by the Chief Justice of the Constitutional Court of the Republic of Indonesia, in his capacity as the Term President of the Association.
2. The Meeting was attended by the Presidents/Heads and/or representatives of the constitutional courts and equivalent institutions from 12 (twelve) member countries of the Association, namely Afghanistan, Azerbaijan, Indonesia, Kazakhstan, Malaysia, Mongolia, Philippines, Republic of Korea, Russia, Thailand, Turkey, and Uzbekistan. Pakistan and Tajikistan were not present. The list of delegates appears in **Annex I**.
3. The Meeting was aimed at discussing in-depth three topics, namely, the preparation of the forthcoming Third Congress of the Association, admission of new members and the proposed establishment of a permanent secretariat of AACC.
4. In his welcoming remarks, the President of the Association extended a cordial welcome to all delegations and expressed his highest appreciation to the respective Heads of Constitutional Courts and Equivalent Institutions for attending this Board of Members Meeting. He further briefed the Meeting about the outcomes of the First and Second Meetings of the Secretary-Generals, and the proposals for admission of new members of the Association, namely Kyrgyzstan and Myanmar. He also stated that he has received proposals from Korea and Indonesia to establish and host a permanent secretariat to the Association as well as letters from the Philippines and Turkey responding to such initiatives.
5. The Agenda of the Meeting appears in **Annex II**.

Agenda Item I: Preparation of the Third Congress of AACC

6. Under this Agenda Item, the Indonesian delegation briefed the Meeting on its plan as the term president of the Association on the preparation of the Third Congress, including proposals for time

and venue, working themes, countries and organization to be invited to the Congress and financial issues.

7. The Meeting agreed with the following items of the Indonesian proposals:
 1. The forthcoming BOMM and Meeting of the Third Congress of the Association will be hosted by Chief Justice of the Constitutional Court of Indonesia as the Term President of the Association in Nusa Dua, Bali, Indonesia, from 25-28 April 2016;
 2. The theme of the Third Congress will be “The Promotion and Protection of Citizen’s Constitutional Rights”;
 3. 19 countries as observers and 10 international and regional organizations as guests will be invited to the Third Congress;
 4. The Host will cover conference meeting packages, local transport, and all expenses related to the Congress, except for the airfares from the delegations’ home countries to Bali and back.
8. The meeting was briefed that a letter from the Term President of the Association would be sent to all Heads of Institution prior to the meetings informing all members of the details of meetings of the Board of Members and the Congress.

Agenda Item II: Admission of New Members

9. The Chairman informed the Meeting that the Constitutional Court of the Republic of Indonesia, as President of the Association had received letters concerning the admission of the Constitutional Chamber of the Supreme Court of Kyrgyz and the Constitutional Tribunal of the Republic of the Union of Myanmar to the association, dated 18th June 2014 and 4th August 2015 respectively, each accompanied by a copy of the respective Constitution.
10. The meeting agreed that the two applying institutions had fulfilled the requirements laid out by the statute in Article 7 regarding admission, and as such agreed to admit both countries as members of the Association. While voicing their consent, members also expressed welcoming wishes to Kyrgyz and Myanmar.

Agenda Item III: Discussion of the Proposed Establishment of a Permanent Secretariat of the Association

11. The Chairman briefed the Meeting that as agreed during the previous Secretary Generals’ Meetings, which were held in Jakarta, on 25th–26th May, 2015 and on 13th August, 2015, the Board of Members would discuss the proposal to enhance the role of the Secretary Generals, which was initiated by the Constitutional Court of the Republic of Indonesia and followed by the proposal to establish a permanent secretariat by the Constitutional Court of the Republic of Korea.
12. The Korean and Indonesian delegations presented their proposals before the delegations on the functions and structure of the proposed Permanent Secretariat. Both countries viewed that the Association needed to have a permanent secretariat in order to better manage the work and development of the Association. The proposals of the Korean and Indonesian delegations appear as **Annex III** and **Annex IV**, respectively.
13. After the presentations from Korea and Indonesia, the Meeting heard the inputs from each of the respective heads of delegation present. In general, the Meeting agreed to strengthen and better manage the works of the Association. However, the majority of the Delegations considered it necessary to conduct a more in-depth analysis before establishing a Permanent Secretariat through the amendment of the Statute of Association. After thorough discussion of the possible follow-

up actions, the Chair considered the proposals and counter proposals and concluded that the discussion on the establishment of a Permanent Secretariat to the Association should be postponed pending further exploration of the implications of establishing such an organ. As such, pursuant to the suggestion made by the delegation from Turkey and seconded by several members, the chief mandated the following:

1. The Constitutional Court of the Republic of Indonesia as the Term President of the Association would compile a comprehensive report in the form of a working paper considering three main points related to the establishment of a Permanent Secretariat, namely, 1) the options available to the Association based on the proposals heard by the Meeting, 2) the pros and cons of each option, and 3) a comparative study of other similar Associations and their decisions to either establish or not establish a Permanent Secretary.
2. The Secretary-Generals would meet again in advance of the next meeting of the Board of Members to discuss the contents of the aforementioned report and to discuss the proposals that would be brought for decision at the meeting of the Congress in Nusa Dua, Bali on 25–28th April, 2015.

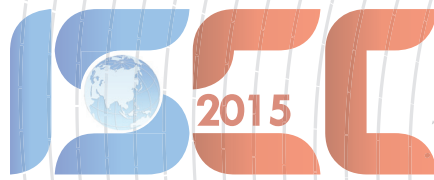
Closing

14. The result of deliberations during this Board of Members meeting would be further addressed at the forthcoming Third Congress of the Association.

Jakarta, 14 August 2015



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INTERNATIONAL SYMPOSIUM ON
CONSTITUTIONAL COMPLAINT