



**ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
Solo, Central Java**



MINUTES OF MEETING

MEETING OF THE SECRETARY GENERALS

7 August 2017

1. The Meeting of the Secretaries-General (“the Meeting”) of the Association of Asian Constitutional Court and Equivalent Institutions (“the Association”) was successfully held in Solo, Central Java, Indonesia, on 7 August 2017. The Meeting was chaired by the Secretary General of the Constitutional Court of the Republic of Indonesia, Prof. Dr. M. Guntur Hamzah and was attended by the participants to the Meeting (List of Participants attached as **Annex I**).

Opening

2. The Opening session of the Meeting was attended by the President of AACC, Prof. Dr. Arief Hidayat SH, MS, Chief Justice of the Constitutional Court of the Republic of Indonesia. The President officially opened the Meeting and delivered his opening remarks. In his opening remarks, the President welcomed the participants to the Meeting and highlighted among others that the Association is embracing a new chapter since its establishment in 2012, whereby in 2016 the members agreed on the establishment of a Joint Permanent Secretariat for the Association, a decision that was taken in a consensual and collective manner.
3. In 2016, it was agreed that the Constitutional Court of the Republic of Indonesia would assume the responsibility of Secretariat for Planning and Coordination, the Constitutional Court of the Republic of Korea would be responsible for Secretariat for Research and Development; and the Constitutional Court of Turkey for the Center for Training and Human Resources Development. He stated that today’s meeting saw the first implementation of the Association’s amendment to the Statute in 2016, with Russian being used as an official language of the Association.
4. The President further brought the Meeting’s attention to the following issues:
 - Progress report on the establishment of respective secretariats since 2016;
 - Administrative and substantive roles that have been taken to date in supporting the Association;
 - Rules and mechanism that should be envisaged in the respective permanent secretariats;
 - Management and development of human resources;
 - Development of coherent programs and activities among the secretariats; and
 - Election mechanism for presidency that could be fostered for the effective implementation of the decisions taken by members of the Association.



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5. The President stressed the importance of the Association exploring the possibility of collaborating with the Conference of Constitutional Jurisdictions of Africa (CCJA), including through the establishment of a Memorandum of Understanding between the two organizations. He concluded by accentuating his wish that the Meeting of the Secretaries-General could arrive at fruitful results and deliverables.

Adoption of Agenda

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

Report from the Secretary-General of the Constitutional Court of the Republic of Indonesia Regarding the Preparation of the Board of Members Meeting (BOMM) on 8 August 2017

7. The Meeting was briefed by the Indonesian Delegation on 6 activities to be held as part of the AACC meeting in Solo, Central Java, on 7-11 August 2017. These activities namely the Meeting of the Secretaries-General (MSG), the Boards of Members Meeting (BOMM), International Symposium, General Lecture, Call for Paper, and Cultural Programs.
8. During MSG and BOMM, several key agendas will be discussed such as the progress of the permanent secretariats establishment, the preparation of AACC's participation at the World Conference on Constitutional Justice (WCCJ) Congress in Lithuania on 11-14 September 2017, and election of the new term President of the AACC.
9. The International Symposium will be held on 9-10 August 2017 with the theme "Constitutional Court as the Guardian of Ideology and Democracy in Pluralistic Society". This will be followed by cultural programs held at the Borobudur Temple, Yogyakarta, on 11 August 2017.

The Preparation of BOMM and the 4th Congress of WCCJ

10. The Indonesian Delegation took the opportunity to report to the Meeting on the Association's preparation to the World Conference on Constitutional Justice in Lithuania, which would be held on 11-14 September 2017. As agreed in BOMM last year, the Association decided to assign a representative from Korea as a keynote speaker, a representative from Azerbaijan as a moderator and a representative from Indonesia as a rapporteur. On this note, the Korean Delegation informed the Meeting that Acting President, Mr. Yi-Su Kim would assume the role of keynote speaker. The Russian Delegation also took the floor and indicated that it will give information during BOMM concerning a situation that it encounters with regard to the Lithuanian Government's position on Russia's participation at the World Conference.



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11. During the discussion, Delegations of Azerbaijan, Malaysia, Kazakhstan and Kyrgyzstan mentioned that they will also participate at the WCCJ on the basis of the individual capacity as members to the WCCJ.

Discussion on the progress of the Permanent Secretariat Establishment

12. The Chair gave opportunities to Korea, Indonesia and Turkey as hosts of the permanent secretariats to update the Meeting on the development and progress of each secretariat.
13. The Meeting was informed by Mr. Yong Hun Kim, Secretary-General of the Constitutional Court of the Republic of Korea, of the progress made with regard to the establishment of the Permanent Secretariat of Research and Development (SRD) in Seoul. The Secretariat in Korea has also appointed representatives from other members of the Association in its structure of organization, where a representative from Malaysia holds the position of Deputy Secretary and a representative from Kazakhstan as an advisor (the presentation appears as **Annex III**).
14. Set-up and substantive work has also been carried out by SRD in the form of staff recruitment and office establishment, as well as funding programs to facilitate the involvement of AACC member institutions. In late June 2017, SRD co-sponsored an international conference on human rights, rule of law and legal culture in Seoul. It presented three areas of work and the working method of AACC SRD, the details of which can be found on AACC SRD achievement and concepts, which was distributed beforehand.
15. With a view to moving forward, the Secretary-General emphasized the importance of establishing effective channels of communication between the AACC SRD and each AACC member among others to draw expertise of each member institution. The input will then be made as the basis of research projects. To this view, it is suggested that each AACC institution nominate one liaison officer in charge of communication with SRD. The SRD has also made a *secondment* program and made funding available to seconded officers interested in completing a master's degree programme at the Seoul National University.
16. The Indonesian Delegation briefed the Meeting that an office has been dedicated as 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 Decree. A website has also been developed for the Secretariat and further improvement will be carried out.
17. The Permanent Secretariat for Planning and Coordination has also arranged work plans to coordinate International Activities of members of AACC. The Permanent Secretariat



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will arrange 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 member states and will also be published in the website, such as coordination of liaison officer of AACC. 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 (the presentation of Indonesian Delegation attached as **Annex IV**).

18. The Turkish Delegation briefed the meeting that it has organized various courses including last year's Summer School, which was focused on the theme of right to respect private life. This year, Turkey's Constitutional Court will organize a Summer School in October with migration law as its central theme, reflecting and depicting on the current situation and challenges faced in Europe. He also informed the Meeting that simultaneous translation in Russian language will be provided during the summer course.
19. During the discussion, the Kazakhstan Delegation inquired whether there has been a translation to Russian of the last BOMM's decisions in 2016, since it has not seen one from the current AACC's website. As a response, the Chair informed the Meeting that although the amended Article 5 of the Statute provides that "*Final documents in the framework of the Association's activity shall be adopted in English unless the Board of Members decides otherwise*", he nevertheless has obtained confirmation from the Indonesian Delegation, as the host of the Permanent Secretariat of AACC, that it will also provide translation in Russian of the BOMM's decision last year. The translation shall be prepared within a reasonable period of time in accordance with the amended Article 5 of the Statute.
20. The Russian Delegation encouraged the Association that any progress and reports of the activities of each permanent secretariat should be regularly disseminated to members beyond annual AACC meetings. In the same vein, the Kazakhstan Delegation proposed that names of liaison officers could be inscribed online to facilitate communication among the liaison officers.
21. The Chair concluded the discussion by echoing the importance of members of AACC to utilize fully the established permanent secretariats as well as the appointment of liaison officers for daily tasks.

Election of the new term President of the AACC

22. The Meeting has listened to all Delegations' positions on the election of the new term President of the AACC. In the absence of strong indication of any country to be voluntarily nominated at the level of Secretaries-General, the Meeting discussed various election mechanisms for the new term President. Such mechanisms include the following:



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- Voluntary basis ;
- Regional basis;
- Alphabetical order;
- Joint Presidency;
- Permanent Secretariats to carry out the relevant duties in the absence of a new elected President.

23. It transpired from the Meeting that voluntary election would be preferable to the other mechanisms suggested. However, a number of countries also supported the suggestion of rotating presidency by alphabetical order.

24. With regard to suggestions of several member countries that Malaysia take the next presidency, the Delegation of Malaysia will give their views on this matter during BOMM.

25. The Meeting also discussed the proposal of Azerbaijan regarding reasonable financial contributions to be proportionally shared among all members that would facilitate the work of the Presidency. Several ideas highlighted the importance of drawing experience from other equivalent organizations, in particular from the Venice Commission of the Council of Europe as regards the World Conference on Constitutional Justice, and the European Conference of Constitutional Courts.

26. The Meeting notes strong support from member countries to the next Presidency. Moreover, the Permanent Secretariats will also render their full support and service for the successful term of the next Presidency of the Association.

Other Matters

27. On other issues, the Chair brought the attention of the Meeting to discuss the possibility of signing a MoU between the Association and the CCJA. It was also suggested that Indonesia as the Permanent Secretariat for Planning and Coordination may represent the Association to sign the MoU. However the MoU should be discussed at the BOMM.

28. The Russian delegation drew attention to the necessity of using only the correct geographical map for decoration of the Association's events.

Adoption of Minutes of Meeting

29. The Meeting adopted Minutes of Meeting.



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Association of Asian Constitutional Courts
and Equivalent Institutions

Closing

30. The Meeting was concluded with a signing of the Minutes of Meeting.

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

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

Bakyt Nurmukhanov
Secretary General
of the Constitutional Council
of the Republic of Kazakhstan

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

Marat Dzhamankulov
Secretary General
of the Constitutional Chamber of the
Supreme Court of the Kyrgyz Republic

Aslam bin Zainuddin
Deputy Chief Registrar
of the Federal Court
of Malaysia



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Association of Asian Constitutional Courts
and Equivalent Institutions

Yondonjugnai Unuborgil
Advisor at Chairman's Office
of the Constitutional Court
of Mongolia

Hla Myo
Deputy Director
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

Chaowana Traimas
Advisor on Academic
of the Office of the Constitutional Court
of the Kingdom of Thailand

Abdulah Çelik
Chief Rapporteur Judge
of the Constitutional Court
of the Republic of Turkey



**MEETING OF THE SECRETARY GENERALS
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS
AND EQUIVALENT INSTITUTIONS
7 August 2017, Solo, Central Java, Indonesia**



LIST OF PARTICIPANTS

- | | | |
|-----------------------|-----------------------------------|--|
| 1. Azerbaijan | a. Mr. Rauf Guliyev | Secretary General |
| 2. Indonesia | a. Mr. M. Guntur Hamzah | Secretary General
(Chairperson) |
| | b. Mr. Rubiyo | Head of Public Relations
and Protocol Affairs
Bureau |
| | c. Mr. Pan M. Faiz | Researcher |
| | d. Ms. Nina S. Djajaprawira | Advisor |
| | e. Mr. Indra Rosandry | Advisor |
| 3. Kyrgyz
Republic | a. Mr. Marat Dzhambankulov | Secretary General |
| 4. Kazakhstan | a. Mr. Bakyt Nurmukhanov | Secretary General |
| | b. Mr. Kuanysh Aldongarov | Head of Personnel and
Documentation
Department |
| 5. Korea | a. Mr. Yong Hun Kim | Secretary General |
| | b. Ms. Kookhee Lim | Deputy Director
International Affairs
Division |
| 6. Malaysia | a. Mr. Aslam Zainuddin | Deputy Chief Registrar |
| | b. Mr. Mohd. Aizuddin Zolkeply | Judicial Officer |
| | c. Mr. Mohd. Abduh bin Md. Hafidz | Special Officer III to the
Chief Justice |
| 7. Mongolia | a. Mrs. Yondonjugnai Unuborgil | Advisor at Chairman's
Office |



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



- | | | | |
|-----|----------|---|---|
| 8. | Myanmar | a. Mr. Hla Myo | Deputy Director |
| 9. | Russia | a. Mr. Vladimir Sivitskiy
b. Mr. Egor Bushev | Head of Secretariat
Counsellor, Department
of International Relations
and Research of
Constitutional Review
Practice |
| 10. | Thailand | a. Mr. Chaowana Traimas
b. Mr. Pitaksin Sivaroot | Advisor on Academic
Constitutional Court
Academic Officer /
Interpreter |
| 11. | Turkey | a. Mr. Abdulah Çelik | Chief Rapporteur Judge |



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



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

**AGENDA
MEETING OF THE SECRETARIES GENERALS**

- I. OPENING**
- II. ADOPTION OF THE AGENDA AND PROGRAM OF WORK**
- III. REPORT FROM SECRETARY GENERAL OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA REGARDING THE PREPARATION OF THE BOARD OF MEMBERS MEETING (BOMM) ON 8 AUGUST 2017**
- IV. DISCUSSION ON THE PROGRESS OF THE PERMANENT SECRETARIAT ESTABLISHMENT**
- V. OTHER MATTERS**
- VI. ADOPTION OF THE MINUTES OF MEETING**
- VII. CLOSING**



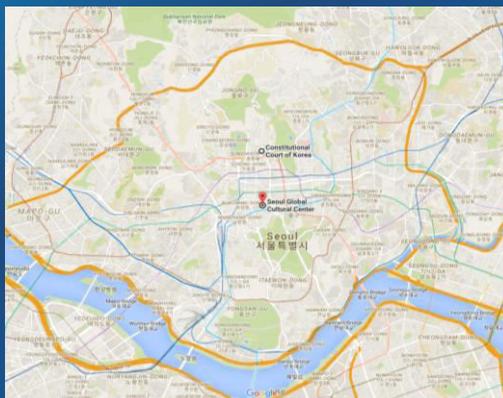
AACC Secretariat *for* Research & Development

**AACC Meeting of Secretary Generals
2017. 8. 7.**

Introduction

Office

15F Seoul Global Center (1.2km away from CCK)





Concepts

AACC
Secretariat for Research and Development

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Concept(1) : Function

Function & Role

- Function (Art. 22 of the Statute as amended in Aug. 2016)
 1. Planning, conducting and coordinating joint research activities among members and with third parties;
 2. Conducting studies and formulation of proposals for research activities in the sphere of constitutional justice;
 3. Publishing an int'l journal on the outcome of the research activities conducted;
 4. Constructing and managing a database of profiles and key decisions of Members;
 5. Conducting research and development activities for the promotion of constitutionalism; and
 6. Organizing int'l conferences, seminars and for a at Justice/Judge level and researcher level on research themes chosen.
- Become a valuable source of knowledge and advice, serving as an engine for the growth and strengthening of constitutionalism in Asia
- Facilitate AACC members' joining the global conversation on Constitutional governance

Concept(2) : Areas of Work

Areas of Work

- AACC SRD will function as a research unit, divided into three groups on a thematic basis
 - Constitutional Adjudication
 - Fundamental Rights
 - Global Constitutionalism
- Future seconded research officers will join one of the groups, depending on their background and expertise
- Boundaries between the groups will remain flexible, as the nature of the research themes are interrelated

Concept(2) : Areas of Work

Constitutional Adjudication

- Comparative study of constitutional adjudication mechanisms(e.g. constitutional review, impeachment, competency disputes, dissolution of political parties, constitutional complaint) of member institutions of the AACC
- Key issues will concern to what extent constitutional adjudication mechanisms exist and how they operate in practice

Concept(2) : Areas of Work

Fundamental Rights

- Comparative study of how specific fundamental rights are protected by AACC member institutions
- Apart from surveying which rights are protected by the respective constitutional texts and legislation, how fundamental rights are protected via constitutional case law will also form a main aspect of research

Concept(2) : Areas of Work

Global Constitutionalism

- Comparative study of key pillars of constitutional government and values of constitutionalism from a global perspective
- Investigation into regional and global challenges and opportunities in realizing the ideas, especially how specific constitutional principles operate in diverse constitutional and legal cultures
- Further research areas may be added in the future, especially through the input of seconded AACC research officers

Concept(3) : Research output & Working Method

Research output & Working method

- Fact files and case law collections
 - publish fact files of AACC member institutions, as well as case law collections on the judicial interpretation of specific rights in AACC member courts
 - fact files, reports and studies (see below) will be partly based on questionnaire responses from AACC member institutions
- Reports & Studies
 - in-depth studies on issues of constitutional adjudication, fundamental rights and global constitutionalism
 - will be conducted and published either online or in hard copy
 - include comments and analysis by Justices and researchers of AACC member institutions, working together with researchers and other staff of AACC SRD

Concept(3) : Research output & Working Method

Research output & Working method

- Journal
 - publish an international journal on the research activities conducted, a firm mid-term goal of AACC SRD
- Database
 - primarily designed for the search and accessibility of constitutional case law and constitutionally relevant legislation in force in the respective jurisdictions of AACC members
 - all the above-mentioned research output may also be categorized and made available in this online database, which will be part of the AACC SRD website (www.aaccrd.org)
 - expected to be opened in October this year



Closing
AACC
Secretariat for Research and Development

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Thank You !

Permanent Secretariat for Planning and Coordination

Progress Report

¹
Constitutional Court of the Republic of Indonesia

1. Facilities and Infrastructure

- AACC's Office
 - Location:
Ground Floor,
Constitutional Court of the Republic of Indonesia,
Jalan Medan Merdeka Barat 6,
Central Jakarta, Indonesia

²



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4



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2. Legal Basis

- Presidential Regulation as a legal basis for establishing a permanent secretariat in Jakarta and financial supports.
- Allocation:
 - Operational cost
 - Coordination among secretariats

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3. Progress

- **AACC's Website Update**
 - Member's Profile
 - Calendar Event
 - Decisions and Publications of each member institution
 - Digital library
- **Preparation of AACC's Meetings**
 - Technical and substantial preparation
 - Sending invitation and confirming the attendance of members and other invited institutions
 - Maintaining relations with media partners
 - Follow up of MSG, BOMM, and Congress' outcomes
- **External Relations Support**
 - Participation on international forums
 - Dissemination of AACC report

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4. Working Plan

Permanent Secretariat for Planning and Coordination has arranged several programs:

- Coordination among members concerning international agenda
- Setting up working level meeting among Liaison Officer from all members

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THANK YOU