



MAHKAMAH KONSTITUSI  
REPUBLIK INDONESIA



# **PROCEEDING BOARD OF MEMBERS MEETING**

**3<sup>RD</sup> CONGRESS OF THE ASSOCIATION  
OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS**

**BALI, INDONESIA  
8 - 14 AUGUST 2016**





# PROCEEDING

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## **A. VERBATIM OF INITIAL BOARD OF MEMBERS,**

### **MASTER OF CEREMONY (MC)**

Ladies and gentlemen, welcome to the second day of the Third Congress of the Association of Asian Constitutional Courts and Equivalent Institutions, Wednesday August 10th, 2016 at Bali Nusa Dua Convention Center.

Assalamu'alaikumwarahmatullahiwabarakatuh

Om Swastiastu. Shalom. Namobuddhaya. Peace be upon us all.

His Excellency, Chief Justice Prof. Arief Hidayat of the Constitutional Court of the Republic of Indonesia as the President of the Association of Asian Constitutional Court and Equivalent Institutions.

His Excellencies, Heads of Delegations of the Members of the Association of Asian Constitutional Court and Equivalent Institutions, and distinguished delegates.

Your Excellencies and distinguished delegates, please welcome, Chief Justice Professor Arief Hidayat of the Constitutional Court of the Republic of Indonesia as the President of the Association of Asian Constitutional Court and Equivalent Institutions and as the Chairman of this meeting. To his Excellency, Professor Arief Hidayat, the floor is yours.

### **MR. ARIEF HIDAYAT (CHAIRPERSON)**

Assalamu'alaikumwarahmatullahiwabarakatuh. Good morning, peace be upon us all. Om Swastiastu. Namobuddhaya.

By praising God Almighty Most Gracious, Most Benevolent, I extend my gratitude and my honour and my pleasure that today I have been given the opportunity to be here to meet with all of you, the Chairperson, the Chief Justice, the Justices, President of the Constitutional Court, Head of Delegation and Member of Delegations of the Constitutional Court and the Equivalent Institutions, members of AACC. Present here before us, I kindly invite to introduce yourself a member of the ICOIC of Afghanistan, His Excellency Mr. Abdullah Shafae.

We kindly invite you to introduce yourself.

### **MR. ABDULLAH SHAFEE (AFGHANISTAN) MEMBER**

By the name of almighty God, I am Dr. Abdullah Shafae, member of the Afghanistan Independent Constitution Commission for Constitutional Oversight. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you. And then the President of the Constitutional Court of Azerbaijan, His Excellency, Mr. Farhad Abdulayev.

**MR. FARHAD ABDULAYEV (AZERBAIJAN)**

**CHAIRMAN**

I would like to thank you all for your invitation and for all the hard work that is provided by the Constitutional Court of the Republic of Indonesia for holding this forum, the AACC forum. And also, the court's contribution from the very beginning of the process has been very valuable for all of us. I believe that the work of this conference will be fruitful and successful, and I would like to extend that yesterday during the Secretary General's meeting that all important matters were discussed. And I do hope that all questions and initiatives discussed and conveyed at yesterday's meeting are noted and discussed. Even though we haven't read the document thoroughly, but it seems to me all questions about declaration, the draft of Bali Declaration, is here before us and I do hope that we will have a fruitful and successful discussion today. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)  
CHIEF JUSTICE**

Thank you, Your Excellency. The next introduction is from the Constitutional Court of the Republic of Indonesia, Your Excellency Mr. Anwar Usman. The floor is yours.

**MR. ANWAR USMAN (INDONESIA)**

**DEPUTY CHIEF JUSTICE**

From Indonesia, I am the Deputy Head. I'm Anwar Usman, I am assisted by His Excellency Mr. Professor Aswanto to my left hand side and to my right hand side, Her Excellency, Madam Maria Farida Indarti and then behind me I have His Excellency Dr. Manahan MP Sitompul, and then His Excellency Dr. Wahidudin Adam, Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you Mr. Anwar. Next, Chairman of the Constitutional Board of Kazakhstan, His Excellency Mr. Igor Rogov. The floor is yours.



**MR. IGOR ROGOV (KAZAKHSTAN)  
CHAIRMAN**

Your Excellency, dear colleagues, I would like firstly to extend my gratitude to the Chief Justice of the Constitutional Court of the Republic of Indonesia for your host and hard work in holding this conference, and I again am very impressed with the remarkable work that you have done with your colleagues in Indonesia. Myself, I'm assisted and accompanied by the Justices from the Constitutional Court of Kazakhstan. They are Mr. Aldongarov, and I do believe that this work will be very successful, will run well and the cooperation will also be successful. Thank you very much.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you for Your Excellency, next we invite His Excellency the President of The Constitutional Court of the Republic of Korea. Your Excellency Mr. Han Chul Park, the floor is yours.

**MR. HAN CHUL PARK (REPUBLIC OF KOREA)  
PRESIDENT**

Thank you, I would like to thank Chief Justice Mr. Arief Hidayat and the Constitutional Court of Indonesia, for organizing this important meeting for us. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you, Your Excellency. Next, from Kyrgyzstan.

**MR. ERKINBEK MAMYROV (KYRGYZSTAN)  
CHAIRMAN**

His Excellency the President, dear colleagues, I would like to extend my gratitude to Mr. Arief Hidayat and all of my colleagues in the Constitutional Court of Indonesia for holding this conference, and I hope that the agenda we have before us can be achieved successfully. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Next, we have His Excellency Mr. Arifin Zakaria from Malaysia. The floor is yours.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Assalamu'alaikumwarahmatullahiwabarakatuh. Chief Justice from Indonesia, President Arief Hidayat and my colleagues the Chief Justices of Constitutional Court members of AACC. I, with my delegation from Malaysia would like to firstly extend our utmost gratitude and appreciation for the host Indonesia in this meeting. Malaysia is represented by myself and my dear friend Mr. Ahmad Haji Maarop, Court Justice of the Malaysian Constitutional Court, and the Registrar of the Federal Court Mr. Aslam Zainuddin, and Mr. Mohd. Aizuddin Zolkeply. And I do hope that this meeting will be fruitful and successful. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you Your Excellency Chief Justice of the Federal Court of Malaysia, Mr. Arifin Zakaria. Next, the Acting Chairman of the Constitutional Court of Mongolia, Your Excellency Mr. Jantsan Navaanperenlei. The floor is yours.

**MR. JANTSAN NAVAANPERENLEI (MONGOLIA)  
ACTING CHAIRMAN**

Today, in this meeting the representative of the Constitutional Court of Mongolia participating. I'm convinced that the meeting of AACC would be successful, and I'm also convinced that the outcomes of this meeting will contribute to the activity of our Association. I wish you great success in our meeting today.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you, Your Excellency. Next, member of the Constitutional Tribunal of Myanmar, Your Excellency Madam Hla Myo Nwe. The floor is yours.

**MRS. HLA MYO NWE (MYANMAR)  
MEMBER OF TRIBUNAL**

Your Excellencies, I am Hla Myo Nwe, Member of the Constitutional Tribunal of the Union of Myanmar. And I also would like to introduce my colleague. She is also the new member of the Constitutional Tribunal with the new administration. And then at my behind is the Staff Officer of the Tribunal. And I would like to express our profound gratitude and appreciation to Chief Justice, His Excellency Hidayat, and to the Constitutional Court of Indonesia for the warm hospitality given to us and also for the excellent arrangement. Thank you very much.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you, Madam. Next, we have the Chief Justice Staff Head from the Supreme Court of the Philippines, Madam Maria Lourdes Oliveros.

**MRS. MARIA LOURDES OLIVEROS (THE PHILIPPINES)  
CHIEF JUSTICE STAFF HEAD**

Good morning, Excellencies. On behalf of my Chief Justice, Chief Justice Maria Lourdes Sereno, who conveys her regret for not being able to join us this week. There is an urgent official matter that she is attending to back in the Philippines. But she sends her warmest regards to all the members of the board.

May I convey our appreciation to the hospitality and all the hard work done by the Constitutional Court of the Republic of Indonesia and His Honor Excellency, Chief Justice Arief Hidayat. And may I also extend on behalf of the Supreme Court of Philippines our warmest greetings to the Republic of Indonesia on the occasion of its upcoming Independence Day on August 17. Thank you. *Terimakasih.*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you. The next, Chief Justice -- I apologize -- Justice from Russia, Mr. Gadis Gadzhiev. The floor is yours. Thank you.

**MR. GADIS GADZHIEV (RUSSIA)  
JUDGE**

Thank you very much. I also would like to extend our utmost gratitude for your kind hospitality and for the arrangement of this event, which we have witnessed today this morning and I would also like to extend greetings, warm greetings, from Professor Valery Zorkin, the Head of our Constitutional Court in Russia. I'm assisted by Mr. Vladimir Sivitskiy, an advisor, and an advisor of the Constitutional Court of Russia, Mr. Egor Bushev as well, accompanying me at this meeting. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Next, President of the Constitutional Court of Tajikistan, Your Excellency Mahkam Mahmudzoda. The floor is yours.

**MR. MAHKAM MAHMUDZODA (TAJIKISTAN)  
PRESIDENT**

Thank you, Your Excellency, President and Chairperson of the meeting, Mr. Arief Hidayat, on behalf of the Constitutional Court of Tajikistan and personally I would like to extend my gratitude to the Constitutional Court of the Republic of Indonesia and all its staff and organizing committee, who is managing this event very well. And I do feel that this congress will continuously contribute to the development of constitutionalism in its member states.

And not only that, but also to improve co-operation and the relationship between country members. Our delegation consists of Justice of Constitutional Court Mr.

Davron Hoshimzoda, and the Coordinator for the Constitutional CourtApparatus. And we hope that this meeting will be successful. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Next, the President of the Constitutional Court of Thailand, Your Excellency Mr. Nurak Marpraneet. The floor is yours.

**MR. NURAK MARPRANEET (THAILAND)  
PRESIDENT**

On Behalf of the Constitutional Court of the Kingdom of Thailand, we would like to thank...

**MR. NURAK MARPRANEET (THAILAND)  
PRESIDENT/HEAD OF DELEGATION**

me and our colleague to join the third conference there, it is the most cooperate multi-cooperated AACC thank you in every meeting

**MR. ARIEF HIDAYAT (INDONESIA)  
CHIEF JUSTICE/CHAIRPERSON**

*Terimakasih.* Thank you lastly, sitting next to me the president of constitutional courts from Turkey Professor ZühtüArslan the floor is yours.

**MR. ZÜHTÜ ARSLAN (TURKEY)  
PRESIDENT/HEAD OF DELEGATION:**

Actually, I am assisted by the hmm reporter judge of constitutional courts hmm his name is YucelArslan. Hmmm, I would like to thank Chief Justice AriefHidayat and other members and staff of Indonesian Constitutional Court for their warm hospitality, I hope these meeting would be very fruitful and successful, thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)  
CHIEF JUSTICE/CHAIRPERSON**

*Terimakasih,* hmm sebelum saya mulai. Before I begin I would like to apologize if in the introduction I miss pronounce your name because for me these names or your names Excellencies sound very foreign except for some names that pretty similar in pronunciation with Bahasa Indonesia so I do apologize for that, as I host I would like to welcome you to Bali, the island of the Gods to all head of delegation and member of delegation, member of AACC as is, its name the island of Gods, the island of Bali is where gods resite and I do hope the head of delegation and the member of delegation can enjoy the beauty of Bali in between your busy schedule

which we're going to discuss, discussing about the multilateral cooperation within the frame of association of Asian Constitutional Courts and equivalent institutions under AACC, it is my greatest hope that these meeting fruitful and can produce strategic decisions that will enforce, that will endorse our measures in implementing our activities our policies under AACC in the future and particularly in decision making or making decision about the form of permanent secretariat that we are going to adopt and other decisions and other important decisions for our multilateral cooperation in AACC and for that ,your participation, your involvement, your active contribution from head of delegation from member of delegation are very auspicious and it is unfortunate that during these board of members Pakistan and Uzbekistan are not able to send their delegates in this meeting and hopefully the nonattendance the two members states will not lessen significant of our meeting and we will now wait for the contribution and involvement of Pakistan and Uzbekistan in the future AACC events, head of delegations, member of delegation as the president of AACC for 2014-2016 as mandated in the statutes of the association, I will act as the chairperson of the meeting in every meeting on the board members meeting which we are going to hold today Wednesday the 10th of august 2016 as well as the board of members meeting ,the next board of meeting which we're going to hold on Friday 12 of August 2016

Denganmengucapkan. By saying Bismillahhirohmanirohim thus I announce or declare the board of members meeting these morning officially open, terimakasih. Thank you.

Distinguished members of the meeting of I honour before we begin with the series of meeting for this I will inform you the agenda of meeting for today. First of all these meeting will be divided into three sessions , the first is that we are going to discuss on the establishment of the secretariat of association and then for the second session we will discuss on the result or the outcome of the meeting of WCCJ and finally for this, we will discuss on the cooperation with the Association of the ConstitutionsCourts and the Equivalent Institutions in Africa, where for the past, for the, where previously I've met with the secretary general of the Associations of the Constitution Courts and Equivalent Institutions in Africa and who will also be present at the congress which will take place tomorrow.

And thus briefly, those are the three agenda that will be our main focus from morning until noon and afternoon, I would like to invite respond from the participants, the head of delegation, members of delegation whether this agenda is acceptable to you.

I invite you to respond, all those three agendas the three materials can be approved? I see that there is no comments and for that I conclude that the three agendas can be discussed during our meeting today, thank you.

I would like to invite the members to the meeting to continue this after the break, and our agenda or program, will, we will break for now, for the photo session, and then we will break for around fifteen minutes and then we will continue at 10 o'clock. Thank you.

Adjourn the meeting.

#### **MASTER OF CEREMONY (MC)**

Yours Excellency. This concludes the opening session. Now we will have photo session, I invite all of the head of the delegations to the front for the photo session. And for other delegates please proceed to Taman Jepun, for preparation all the photo session. Thank you.

His Excellency Chief Justice Professor Arief Hidayat of the constitutional court of the Republic of Indonesia as the President of the South Asian of Asian Constitutional Courts and Equivalent Institutions as a Chairman of this meeting. To His Excellency Professor Arief Hidayat, over to you.

#### **A. Discussion on the establishment of the Permanent Secretariat of AACC**

##### **MR. ARIEF HIDAYAT (INDONESIA) CHIEF JUSTICE/CHAIRPERSON**

*Bapak-bapak, Ibu-ibu..*

Distinguish guest, ladies and gentleman. Excellencies The Head of Delegation, we are now resume the meeting. Welcome back to the meeting of Board of Members, the first item on the agenda is to discuss on the establishment of the secretary that will be adopted by the association. Before we discuss this issue, allow me to first allow me to review..look back. Since the inauguration of the Board of Members meeting, the first that was held in Seoul in 2012. The association has developed very rapidly. The member has increase and there are so many cooperation among the members and all that is held until today is an indication of the transformation of the association of AACC.

This development demands a coordination and a management of the administration that is solid and better and so it can support the developments that..of AACC itself. And looking at this background, there was an idea to strengthen the role of the secretariat. And this idea came up during the third term of the presidency at the level of the Secretary General. The Secretary General that met in Jakarta in 2015 and they agreed that..they agreed on how to realize this idea and how to formulate the secretariat or the permanent secretariat how it can be formulated and prepared.

In brief, the formulation of the establishment of the permanent secretariat and other proposals from the member countries, has been formulated in a working paper that has been prepared by the Constitutional Court of the Republic of Indonesia that assist me as the President of AACC for the period of 2014-2016. And thus, I would like to invite the Secretary General of the Constitutional Court of The Republic of Indonesia to deliver his report on all the efforts that has been made until the present. So that this report can be effective, I invite the Secretary General to review all the reports that has been made until this time and then we will discuss further during the session and also the following session. I invite the Secretary General to deliver the report du.. during this meeting. Thank you.

**MR. M. GUNTUR HAMZAH (INDONESIA)**  
**SECRETARY GENERAL OF CONSTITUTIONAL COURT**

Thank you, Chairman..Mr. Chairman. *Bismillahirrohmanirrohim. Good morning. Assalamualaikumwarahmatullahiwabarakatuh. Om Swastiastu. Namobuddhaya. Yang MuliaKetuaMahkamah..KetuaMahkamahKonstitusi..*

His Excellency, the Chief Justice of the Constitutional Court of Republic of Indonesia, as the President of The Association Constitutional Courts and Equivalent Association, Professor Doctor Arief Hidayat. Excellencies, the Chief Justice of..Chief Justices of The Constitutional Court who are members of the Association of The Constitutional Court and Equivalent Institutions. Distinguished Head of Delegation for the Board of Members meeting, this morning. Excellency, the Delegate.Board of Members meeting, who are present here this morning.

Excellencies, distinguish guests, ladies and gentleman, who are present here during this Board of Members meeting this morning. Allow me to present the report in relation to the mandate that has been given by the Board of Member meeting, previously that was held in August in 2015. For us to report the development as well as the development. The report of the working paper on the analysis of options for the Secretariat of the Association that as a mandate of Board of Members Meeting, the previous Board of Members Meeting that was held in August 2015, the Constitutional Court through the Board of Members Meeting has given the mandate to the secretary...secretary of the President of the AACC to draft their working paper on the analysis of options for the Secretariat of the Association. The working paper that has been drafted by the secretariat of the Constitutional Court of Republic of Indonesia in essence has concluded that the Association needs to establish a strong mechanism either to strengthening the existing routine secretariat or establishing a permanent secretariat. In this case, several has already recommended as follows: number one, to strengthen the function...coordination function especially the efficiency aspect and the continuity of the program. Number two, to underline the importance of the, eh, formal representative institution that is, that ha, that has the duty to, on behalf of the association to participate in international meetings. Three, to develop the advocacy function that is supported by the information management that is

strong and, with a strong compilation of data. Number four, to strengthen the promotion function as part of its active role in, in upholding democracy, constitutional democracy principle. Number five, to consider the capacity factor of each member as a consequence and the strengthening of association such as finance and the contribution of human resources. Excellences, the Chief justices and Head of delegations, the discussion of working paper draft has been discussed at the level of the Secretary General to report to each of the heads or chief of the institution, and the discussion of the draft was conducted during the meeting of the Secretary General, the second meet, meeting of the Secretary General until May 31st of May 2016. And during the meeting, Indonesia and Korea, has presented a proposal in relation to the proposal to form as, a joint secretariat where Korea is responsible and host the function for research and development, while Indonesia is responsible and host the function for planning and coordination. The Turkey's delegation has given its opinion to form a permanent secretariat and that each member is, has to give a written proposal and is compiled during the next meeting while giving a time limit to, that will, co, tha, that ends on July 2016. And this discussion was conducted at the third meeting of the Secretary Generals on the 9th of August, 2016. In essence, the members of the association has the same views on the importance of strengthening the management of the association in increasing the cooperation between the member countries as well as international, other international members, er, international, o, organizations. But, the members has different views of the model of, a secretariat that will adopt, and the type of secretariat that was proposed was focused on three types or three forms. The first, is the form of joint secretariat as has been proposed by Korea and Indonesia, and this has been approved by the majority as a consensus in the meeting during the Secretary General meeting on the 9th of August of 2016 recently, and what is meant by joint secretariat is that there are two secretariat that will be responsible in relation with its functions, in this case, Korea is responsible and host the function for research and development, while Indonesia has a responsibility and host the function for planning and coordination. The secretariat in each country is permanent unless there are changes.

**MR. M. GUNTUR HAMZAH (INDONESIA)  
SECRETARY GENERAL**

And the second form, or type, is the permanent secretariat. As has been proposed by Turkey and Turkey is ready to become the home of the permanent secretariat nevertheless Turkey is also open to other alternatives that the permanent secretariat has a limited time with the period of six years, where after each time limit the Board of Members Meeting will determine the next permanent secretariat, the home of the next permanent secretariat.

The third is the rotating secretariat, or host secretariat. As has been proposed by the Philippines. Philippines proposed that there should be a division, a permanent



division. The period for the host secretariat is in line with the period of the term of office of the president and in the association there are permanent division that is evaluated every...for the first five years. The permanent division is made up of unit as has been classified during the joint secretariat.

The proposal from Korea - Indonesia can be added with other divisions based on the availability and specialty of other members. The Philippines is ready to lead the division of research and development if this model is accepted.

The delegates of the meeting of the secretary general as in a majority, agreed that the form of secretariat should be joint permanent secretariat by considering the notes that has been mention by Turkey and the Philippines. The final decision of the form of the secretariat for the association is left up to the Board of Members Meeting during this meeting.

His excellency the chief justice of the constitutional court and chief justices of the Constitutional court and head of delegations and other members, other issues that we had discussed and also noted during the minutes of meeting, during the Secretary General meeting, we also discussed among others which is related to the working language.

On the working language, to follow up the issue of including the Russian language as a working...Russian as a second working language, during the Secretary General meeting on May, 30 to 31st May, 2016, during the last meeting yesterday, the secretary general decided to recommend to the board of members meeting that the use of the Russian language can be accepted as the working language for the association. But only limited during the meetings of AACC. While in relation to official document and official correspondence still uses the English language that has been stated in the letter from the Russian delegation to the president of AACC.

And then on the third issue on the amendment of a statute amendment. As a consequence of the formation of the permanent secretariat, thus, board of members meeting needs to amend article eleven and article twenty two of the AACC statute. While in relation to the working language there needs to be amendment on article five of those AACC statute.

And next the fourth issue is related to World Conference Constitution on World Justice or WCCJ. In relation to the World Conference on Constitutional Justice it is hope that during the bureau in the meeting, bureau meeting, during the secretary general meeting it was decided that they were request to the BOM on who be president and who speaking at that meeting. And in this case, it is hoped that all the delegates to include or propose the names for those who will be the speakers and who will be act... who will act as the moderator and who will act as respondent.

And that was the fourth, and the fifth issue I should say in relation to the conference on constitutional jurisdiction of Africa or CCJA. In relation to the cooperation between the AACC and CCJA, it is said that during this time CCJA is not able to attend and thus we cannot conduct a working agreement, or cooperation where by previously it was already planned in the meeting of the secretary general.

The sixth issue... on the Bali Declaration. During the Secretary General Meeting it was discussed on the draft; all the concept and the material for the Bali Declaration and the finalization during BOM where in brief it reflects the spirit to promote and protect the constitutional right of the citizens. And the discussion between the Secretary General, the Turkish delegation proposed to include respond of the... to the association on the condition of its country that has happened recently or lately. And the proposal from Turkey, the Secretary General leaves up to... leaves it up to the Board of Members Meeting. Nevertheless there were some delegates who argued, or made a reference...asked to make a general reference of this issue.

The seventh issue in relation to the presidency; and because there is no candidate that has proposed itself as president of association for the period of 2016-2018, and there is no stat...article in the statute that arranges this, thus we need to arrange um... an anticipative mechanism. And with the condition of no candidate, the Afghanistan delegation questions or ask the availability to Indonesia to... to... rec...be the next president again for the next period, and in this case the Korean delegation ac...told it... of its experienced as host of WCCJ until...how it continues to become the president until a new president was appointed. And that is the case with Russia, it also wishes that Indonesia, Republic of Indonesia, also can be the president or the next president of AACC. And therefore the practice to continue or to extend the presidency when there is vacancy is an option and therefore the situation is now happening in AACC and thus Indonesia ex... is expected to be extended in terms of predis... presidency until new president is chosen. The next issue, issue number eight, is the preparation of congress. During the Secretary General meeting, there has been preparation made for the third Congress AACC. In the third Congress AACC, the theme would be the promotion and protection of citizens' constitutional right with several sub-themes. The first sub-themes... the first sub-theme is a mechanism for promotion and protection of citizen's constitutional rights' perspective from different countries. Under sub-theme two, which will be discussed under sessions two, the role of constitutional courts and equivalent institutions in promoting and protecting citizens' constitutional rights through its landmark decision. Sub-theme three, which will be discussed under session three, is a challenges and future direction for enhancing the promotion and protection of citizens' constitutional rights. As for article twenty one paragraph four, the statute of AACC; the Secretary General recommended to the BOM to endorse the appointment of Indonesia, Korea and Turkey as chairperson in the Congress tomorrow. In addition to that, there are eleven speakers and

seven respondents as attached in your tentative agenda of the Congress... the third Congress tentative agenda of AACC. Thus the end of the report, any other matters that require decision from BOM, we hope Your Excellency, Head of Delegation, can decide for the advancement and development of the association in the future. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)  
CHIEF JUSTICE**

Thank you Secretary General, Head of Delegates... member of delegation, distinguished ladies and gentlemen... Upon listening to the report from Secretary General we are now, we will now follow up. Any matters that are going to be decided? And also with the cooperation between us and the Association of Constitutional Court in Africa region, we've also heard about the preparation of the congress which will take place in the next two days; tomorrow, Thursday, and Friday. And for that, first and foremost, let us... on matters that requires succession and in principal using article 15.4 in particular hmm stating that decision taken by the board of members meeting eeh is endorsed to be done through consensus manner and any voting shall be prevented if possible and aah looking at the current situation there are several alternatives, several proposal even though the majority has conveyed their views on the establishment and the form of permanent secretariat. The first being the proposal for permanent secretariat in the form of joint secretariat eeh hmmm and the single secretary and then rotating secretariat. Well... It was discussed in the intensive manner yesterday at the secretary general meeting level the right to take decision or to make decision on this matter is today's meeting. Therefore I kindly ask, perhaps not in alphabetical order but anyone or any members who wish to convey their view may do so but we have to remember, please remember that we need to uphold our consensus, our synergy so that cooperation and relationship that we are building under AACC can even flourish to reflect our common interest. I kindly invite anyone who wishes to convey their views. There are 2 matters... proposal from Philippine and turkey. Perhaps, maybe from Turkey, the Professors, the floor is yours.

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT /HEAD OF DELEGATION**

Thank you Mr. Chairman, I would like to also thank the secretary general of the international constitutional courts for preparing such a wonderful report on the necessity of establishing a permanent secretariat for AACC. Actually last year when we met in Jakarta, we decided to prepare hmm such a working paper on the establishment of permanent secretariat and it was, I believe noted very good idea to have hmm such a report showing us pros and cons of instituting, introducing, establishing ehmm such as permanent secretariat. and now we are now in a position to find out the advantages and disadvantages of having a permanent

secretariat within the framework of AACC and I think we believe that we should establish a permanent secretariat. I believe that there is a consensus among the members of the AACC that we need to establish a permanent secretariat because we believe that the advantages of having such a permanent secretariat are obvious but when it comes to format or type of permanent secretariat we have different views as I understand there is a Joint Secretariat model proposed by Indonesia and Korea and there is also a Single Secretariat, a Single Permanent Secretariat proposed by ourselves, by the Turkish constitutional court and I believe that there is also a mixture of these 2 models proposed by Malaysia and the Philippines. As the Chief of Justice, Mr. Arief Hidayat indicated we should reach a consensus within the AACC because of cooperation and solidarity among the members of AACC. Well, we propose to establish a Single Secretariat model because we believe that Joint Secretariat model is not suitable and practical. It's not feasible because it will create another cooperation.

**MR. ZUHTU ARSLAN (TURKEY)**  
**PRESIDENT /HEAD OF DELEGATION**

Who... who will cooperate? If there is disagreement between these two permanent secretariats or due diligence of permanent secretariat. What will be the relationship between these two separate permanent secretariat and termed presidency. What is the role of termed presidency in relation to the works and the activity of these two permanent secretariats and we believe that there will be a coordination problem if we divide the duties and powers of permanent secretariat into two or more countries or more constitutional or supreme courts. Instead we argue that we should establish a firm permanent secretariat within one single constitutional court whether it is Korean Constitutional Court or Indonesian Constitutional Court or Turkish Constitutional Court. It doesn't matter actually, what we argue for is that a strong and firm permanent secretariat within the AACC. But, if this proposal is not accepted by the members of board of the AACC, of course we will not insist on establishing a single permanent secretariat and in this case we will be ready to throw our proposal on the table for the sake of solidarity and cooperation among the AACC members, but we still believe that establishing a single permanent secretariat is much more suitable for the model of Association of Asian Constitutional Courts and Equivalent Institutions, I don't see any other model of Joint Permanent Secretariat within the other International Association of Constitutional Court or Equivalent Bodies... and I have some serious doubts whether this model is feasible and practical model for our association. But we should also discuss the model of having Permanent Secretariat within the termed presidency, keeping it as responsibility of termed presidency and establishing a permanent division as proposed by Philippines and Malaysia. I think we should also discuss this issue and it is worth discussing. I think I must stop here, but I will have talk if there is any need. Thank you

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Terimakasih, yang mulia.*

Thank you, Your Excellency. Chief Justice Supreme Court of Malaysia, Professor Zakaria. Any view you would like to convey? And I will later after that invite Chief Justice's Staff Head, Madam Maria to speak after Mr. Zakaria. The floor is yours

**MR. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE /HEAD OF DELEGATION**

Thank you, Your Excellency. Chief... the President of the AACC. Well, there is a vision by Turkey just now is ... may give raise to problem of coordination if the Permanent Secretariat is divided into two as proposed by Indonesia and the ...What to call it... and Korea... may be so... and there... there was also indication why not we have a look at other... what to call it.. Constitutional Court, like African Constitutional Court. Do they have a permanent secretariat as such and also the world... of course the World constitutional court is different... it is a bigger scale. But, the one in Africa they have just clarification from Turkey. We have Chief Justice of Constitutional Court of Turkey, is there a permanent secretariat for Africa Constitutional Court?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*..asatu permanent secretariat..*

It is one Permanent Secretariat, a Single Permanent Secretariat based in Aljazair. It is located... based there, supported by the government there and the Secretary General of the Association is appointed from the Constitutional Court of Aljazair, but the president of the Association can be rotated or is rotated but the secretariat... The permanent Secretariat is based in Aljazair, a Permanent One. Because the facilities and infrastructures are provided and supported by the Aljazair Government. Even though the Member States of Association in Africa also provide contribution, but the main support comes from the Aljazair Government. The main support is provided by Aljazair Government for the association for that Permanent Secretariat. Therefore, this is... this is something that we can also use as reference. The model that is being used by African Association, but as mentioned and explained by Your Excellency, the Membership of Africa is larger in scale compared to the association here in Asia. And this is a model which we can refer to and um... Your Excellency from Turkey, has also expressed his wish to um... revoke his interest, if we will use consensus approach in deciding this, but I would like to also ask President Park to convey his view about Permanent Secretariat, if we are to divide the Permanent Secretariat in two countries. Is there any other view, Your Honor, Your Excellency? If not, anymore?

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE**

Of course, it is how you coordinate the... the secretariat within these two countries, if it is divided into two? Of course, in these days and age with computer and internet facilities, of course it can be done. Not like in the old days, you see... Because you can do it, can be communicated to exchange SMS, email, and so forth. So, this is not as impossible thing. This, this is can be done, even though it might be some problems in coordination, and of course, and my view is that... If Turkey and the, if Korea and Indonesia feel strongly I think just like Turkey, we will just go along and endorse the views of these two countries. Give it a try. If it is working, that is fine. Otherwise, you can always change your view in the future. I will support as the cases if these Indonesia and Korea is very strongly feel on this joint, what we called secretariat, Permanent Secretariat, we go along. Thank you very much.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Baik, terimakasih Yang..*

Thank you Your Excellency. It is new information perhaps, mention that in this, in this era with technology, information technology, even though tasks are divided by between the two countries, communication matters can be eliminated or reduced with the availability of technology and communication. I would like to also add that the present of two secretariats. Two functions are to support the president, the president, the chosen president, or the elected president, will need to use the support of the two secretariat... proposed by Korea and Indonesia. So, whoever hold the presidency will also oversee the coordination of the two secretariats, and with information technology I do believe strongly that any communication difficulties, any communication challenges will not be, or will not occur. Before President Park conveys his view, I would like to invite Madam Maria. Your Excellency, do you have any additional view or different view?

**MRS. MARIA LOURDES OLIVEROS (THE PHILIPPINES)**  
**CHIEF JUSTICE STAFF HEAD**

Thank you Mr. Chairman. Um...Mr. Chairman Excellency, I will confirm yesterday with our representative to the secretary generals meeting. I feel to acknowledge her earlier she is the other member of the Philippines Delegation, our Deputy Clerk of Court and Bank Attorney, Lani or Anna-Li Papa-Gombio. I would like to convey that upon authority of the Chief Justice of the Supreme Court of the Philippines, we respectfully wish to the express to the board that the Philippines, um... is willing to withdraw its proposal for its earlier proposal as submitted to the board. And I will support the consensus of the majority, and any interest of solidarity. However, we... Do we have any suggestions? Perhaps, in response to Chief Justice of Malaysia's earlier suggestion that the board member

**MRS. MARIA LOURDES OLIVEROS (THE PHILIPPINES)  
CHIEF JUSTICE STAFF HEAD**

so that the Board of Members still has an opportunity to assess any arrangements regarding the Secretariat and make adjustments in the future that the Statute reflects that are permanent if indeed it gets carried by the majority that the permanent Secretariat be established. However, the form and the structure of the Secretariat itself and its operations may be contained in a separate document that could be adjusted from time to time as the Board sees fit. So, that's the view of the Philippines. Thank you, Mr. Chairman.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you Your Excellency, Mrs. Maria Lourdes. And from the views that has already been stated here, I think we are starting to narrow. And I thank the Constitutional Court of Turkey, Professor Arslan who has stated in principle he is very flexible in his views and it depends on the majority if they propose or approve and agree that the joint Secretariat. And I also thank the Philippines, who think that if the majority agrees that should be a joint Secretariat. And His Excellency, Mr. Zakaria also given his views, I think we have a tendency here to gather, see and accept the establishment of the joint Secretariat. With the note that we should really be paying attention to the coordination. And number two, there should be an evaluation, there should be a monitoring of the effectiveness of these two Secretariats and in the future the evaluation is conducted periodically. And perhaps we can then return to what we have already decided upon today.

But, before we do this together, I once again say thank you to the opinions of His Excellency the President of Turkey who has given his very flexible views, and also to the Philippines who has retracted the proposal and also to Professor Zakaria. But, once again I'd like to hear the views of President Park who has, together with Indonesia, proposed a joint Secretariat whereby this would be used in Seoul for the fields of Research and Development and for other fields will be conducted in Indonesia. Due to the situations and conditions and there is the potential where this association will grow further. I invite His Excellency, President Park.

**MR. HAN CHUL PARK (REPUBLIC OF KOREA)  
PRESIDENT**

Thank you, Chief Justice Arief Hidayat. Presidents, and Chief Justices of this forum, and member courts. I would like to explain our views regarding some of the concerns today by a few members of our joint Secretariat. Number 1, is the joint Secretariat really not as visible or valuable? Number 2, what will the relations between the Secretariats be like? Number 3, is the joint Secretariat set to be inefficient due to the different working methods? I would like to respond to these concerns one by one.

First, there are views that the joint Secretariat is neither visible nor valuable. Of course, I admit such concerns would be reasonable if the two Secretariats are to perform similar functions. However, the idea of the joint Secretariat proposed by the Korean and Indonesian Constitutional Courts is to entrust the administrative tasks such as planning, protocol, and communications between members with the Planning and Coordination Secretariat. And to give a long term research task related to constitutional justice to the Research and Development Secretariat. Since the two Secretariats will be run by their own respective bodies and responsibilities, there will be no overlapping or redundancy of functions. So, I will say the joint Secretariat is fully valuable and practical.

Secondly, there are concerns about the issue of coordination between the host court of the permanent Secretariat and the Term Presidency. As you know, the Term Presidency is burdened with a heavy workload given his basic duties, such as organizing the meetings of the Board of Members and the Congress, as well as attending the Bureau Meetings and Congresses of the WCCJ. Under these circumstances, it would be greatly instrumental to be achieved by the permanent Secretariat to minimize the trials and errors and continuing and evolving the discussions that took place in prior Congresses. We believe it should be the Host Court of the Term Presidency that should lead and oversee the entire process of preparation of regular meetings. Such as Board of Members meetings, and Congress.

Besides that, just like examples of other instrumental organizations or regional linguistic groups, it would be more natural to establish a horizontal, not vertical relationship between the Secretariats.

Thirdly, there are questions raised about the efficiency given the different working mechanisms for administration and operation of members. For sure, every court has its own methods and procedure for administrative management. However, I do not think there would be much of a problem because we have a general practice called Global Standards in dealing with international tasks. Furthermore, compromise will bridge differences and shortcomings can be overcome through joint efforts. Even if you have some misunderstandings, I think we should work through the differences by working closely together in order to build trust in the true sense of the word and engage in substantive cooperation. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you, His Excellency, are there any other views or proposals from Your Honors? I would like to, first of all, invite Thailand, and then I return to Turkey.



**MR. NURAK MARPRANEET (THAILAND)**  
**PRESIDENT**

We agree with a permanent Secretariat in Indonesia and the Republic of Korea. Because we compared it with a single permanent Secretariat, and the joint permanent Secretariat is better in terms of administration. If we have one President of AACC as the Head of the permanent Secretariat, it's more useful for the administration. So, we agree for the Secretariat meeting yesterday and we agree with the proposal from Indonesia and the Republic of Korea for the joint permanent Secretariat. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you. Please, Turkey.

**MR. ZUHTU ARSLAN (TURKEY)**  
**PRESIDENT**

I see that there is an agreement or consensus among the issue of the establishing the joint secretariat within AACC and in this case I will withdraw our proposal of establishing a single permanent Secretariat but I may propose that the Turkish constitutional court may be part or parcel of the joint Secretariat by taking the responsibility for Human Resources or Training and Workshop, or something like that. I mean, as you already know, Turkey has been successfully conducting Summer School program for 3 years. So far, we have exercised or conducted 3 Summer Schools in Ankara. This year, we will organize the fourth one and it will be at the end of September this year - we had to postpone one month because of the situation in Turkey. As I said, we can take the responsibility for organizing workshops within the framework of AACC. And we can continue to organize Summer Schools, as part of joint Secretariat. If the Members of the Board adopt this proposal we would be happy to continue to organize Summer Schools and some other Conferences or Workshops within the subjects of AACC. Thank you very much.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you very much, Your Excellency. The discussion that we are going through now, even though the Republic of Korea is given the mandate to oversee Research and Development, but I guess what each country member has been doing now should be supported by its individual secretary, for example in Communication and Information -- if it's in Jakarta, any activities, any events for that, will be supported by Jakarta's secretariat.

Also in Indonesia, like the Constitutional Court in Turkey has been doing, we have Summer Schools as well; we have internships; we have workshops based in

Indonesia and the Republic of Korea as the party overseeing Research and Development will also support this initiative even though it's based in Indonesia. I think this is already running, and the support from Turkey in Indonesia -- the employee, the judge, Rapporteur Judge, Rapporteur Justice are sent to Turkey. When they come home, they receive new knowledge, materials from the Summer School held by Turkey and it has been proven to be very beneficial for us. So each country has its own activity. Each Constitutional Court has its own courses, and this national-based courses will be supported by the Republic of Korea or Indonesia based on their function.

So, even though the Research and Development is the task for the Republic of Korea, all workshop and courses based in each Constitutional Court in each country can be supported by the Republic of Korea, for example the workshops conducted in Turkey. If you require resources or professors or lecturers from another country, then Korea can provide that as well. So it does not limit the significance of each Constitutional Court of each member. The activity that have been implemented in each Constitutional Court can be continued and can be further supported by the two Secretariat.

Thank you for Turkey. And the other view from Afghanistan, do you have a view to convey? Please, the floor is yours.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)  
SECRETARY GENERAL**

Thank you very much, Mr. Chairman. Thank you very much, Chief Justice. There are different sentences that I would like to convey to everyone here. He says that diversity has a different taste. And the taste is really tasty with all disagreements and agreements. But it becomes really, really joyful when we discuss solidarity, keeping in view the diversity and disagreements. Thanks to His Excellency, the President of the Constitutional Court of Turkey for giving special attention to the solidarity and Association.

With that said, Afghanistan also support the idea of majority as reflected in the Minute of Meetings of the Secretary General. However, we strongly encourage and propose that the platform of cooperation should be established between the joint Secretariat and the esteemed Constitutional Court of Turkey, in terms of using their expertise and information particularly focusing on the Summer School. That can be done through signing a kind of MoU in the future. And all sides can reach a consensus on that. Given that we are all living in the 21st century, pooling the resources can help us gain our objectives efficiently and effectively, and I strongly believe that whenever we pool the resources and energies, it will create a synergy and we will get our objectives efficiently and effectively. Thank you very much.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Thank you, Your Excellency. Any more views, or have we moved towards what we want to decide? Your Excellency?

**MR. ERKINBEK MAMYROV (KYRGYZSTAN)**  
**CHAIRMAN**

Your Excellency, Chair of the meeting, distinguished ladies and gentlemen, out of the three options proposed in yesterday's meeting, it seems that we are now moving closer to...

**MR. ERKINBEK MAMYROV (KYRGYZ REPUBLIC)**  
**CHAIRMAN/HEAD OF DELEGATION**

By consensus or a view and out of all the option propose each has its own advantages, and we can move toward consensus because we are currently developing or drafting the best form of permanent secretariat and therefor now we cannot actually guess or assume which model is the most effective but if we give time with time we will able to see whether these or whether the chosen model is effective or not if we are to decide the model now and later in the future we see that such model is not effective of course we can give some adjustment and the revision most importantly we have to remember that whichever model that we are going to decide, that model has to support the activities of the association and each secretariat certainly will be responsible for specific activities and we have to ensure our best support for them to work effectively

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Thank you, your excellency any more views?

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Mr Chairman, I think we more or less come to a consensus they will be a joint secretariat. However view of the roles that Turkey has pledged so far in the development of AACC in particular in the training program in term of summer school we just been very successful and Malaysia has participated all these years in the summer school, I think what we can do is still Turkey be part of the joint secretariat. But we give Turkey dual recognition as a centre for training in the AACC, will that acceptable to Turkey that we'll give them dual recognition as the centre for the training program to be organize by AACC will be centre in Turkey.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Baikterimakasih.* Thank you, Your Excellency Mr Arifin, any more view from President Park to respond to Pak Arifin views?

**MR. HAN CHUL PARK (KOREA)**  
**PRESIDENT/HEAD OF DELEGATION**

No objections

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Baik jadi kita semua sudah sampai pada.* If that the case we have reached to a consensus what about Turkey, your excellency the proposal from Mr Zakaria and fully supported by President park from Korea, do you have more views?

**MR. ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

We accept this proposal, our proposal we are able we happy to be part and possible joint secretariat and we will take to these responsibility and in terms of training and workshop thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Baikterimakasih,* Thank you Indonesia. Mr Anwar Usman the floor is yours

**MR. ANWAR USMAN (INDONESIA)**

*Selaku ketua delegasi Indonesia saya ingin menyampaikan sesuatu yang mungkin berlebihan kalaupun katakan bahwa kami sangat terharu terutama dari,* something that might exceed our discussion or be honour discussion, I love Turkey film, cinema, almost every night I watched your movies also Philippines your proposal your withdrawal proposal thank you. As been mention previously in the meeting two years ago we are ready to hold the responsibility as permanent secretariat in Jakarta considering that Indonesia has a vast experience with regard to the permanent secretariat of the ASEAN until today and it is our consensus to established a joint secretariat with Korea which is now being agreed by all of us here excellency thank you for that and what have you convey that excellency from Turkey, I fully agree that your place can be the centre of training and education even though the secretariat lies in Korea. Lastly also we hope that we can provide comment, suggestion, critic, if along the way in performing our duties, Korea and Indonesia and performing our mandate we are welcome to any critic, suggestion and comment, and god speed the government of Indonesia fully support.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

This permanent secretariat and we will provide new building, new establishment for that permanent secretariat, thank you.

Thank you Mr Anwar Usman, ladies and gentleman participant of the meeting during this first session we have more views, President Park?

**MR. HAN CHUL PARK (KOREA)**  
**PRESIDENT/HEAD OF DELEGATION**

Eh, first of all, I would like to thank Chief Justice Arief Hidayat through the constitutional court of Indonesia, the president of the AACC for wonderfully organizing this short congress. Also I would like to express my sincere gratitude to every president, chairman and head of delegates here for your unified support for our proposal for the permanent joint secretariat.

As you all know getting here, wasn't an easy road but I believe the AACC could certainly take a great step forward through this process. This consensus for the joint permanent secretariat is the success of every member of the AACC here, and every member should be congratulated for the, for that.

Although the constitutional court of Korea initially proposed launching of the permanent secretariat this constitutional court of Indonesia by proposing the same actively organized the forum to discuss this agenda, and every member stayed by actively participating in the discussion turn this issue into an agenda of all members, not just a couple of members directly involved.

And the sense to the president toward the constitutional court of Turkey who made those generous and courageous decisions at the final moment we will able to celebrate a great finale to this agenda, uh once again I want to give my deepest thanks to all president and the chairman of the member courts here for your anonymous support.

Finally let me briefly share with you the vision we have for the search and development secretariat. The research and development secretariat was initially proposed for the purpose of creating a forum for research on issues of common interest among members of the AACC, and we intend to operate the secretariat by reflecting the views of all members to greatest extent possible. Specifically, the secretariat will convene regular meeting of justices of constitutional courts and there by continue and accumulate the result sub-systematic research. Once it turn to constitutional justice and human right norms.

We will plan and conduct basic research on general theories and institutions related to constitutional law, constitutional justice and human right protection. In addition we intend thought develop long term and profound research that can contribute to the development of the AACC. Also the research and development secretariat will plan and conduct general studies on issues that essential to own. But have not yet be properly or fully addressed. The secretariat will also attend to topics to that difficult for individual courts to delve into by themselves, given their routine business, relate to constitutional justice.

By holding scientific symposiums the secretariat could also invite the neighbouring Asian countries that happy at to join the AACC, in an effort to promote the achievements made by the association and encourages prospective members to join the body, at the same time we plan to organize working level committee comprised of research officials or reporter justice of member courts, with the purpose of developing institutional guarantees for the promotion of constitutional rights while taking into account the different of courtesies and the realities of Asian countries.

We will identify the unique characteristic of different system of law and constitutional justice based on comparative research and continue to develop research on a number of human rights that reflect the realities of Asian regions.

If we indicate to the secretariat of research and development to be on by the concession of court of Korea we are planning to hold an International symposium early next year as the first project of the secretariat. We sincerely invite all the presidents and chief justices here to visit Seoul for the symposium. We recently consult with all members and value opinion of every member in the course of choosing the theme, we will be delivering more details later to each member. Whether launching of the permanent secretariat, we have built foundations, on which we can make substantive contribution to human rights and democracy in Asia through deeper research and other various activities. On constant, this will trigger the AACC to evolve into, as a strong regional group as others such as the... in Europe, despite it's late start. Before I close, let me say the saying that; 'He who lose its wealth, loses his match. He who lose her friend, loses more. But he that loses his trust, loses ore.'

The constitutional court of Korea will work very hard to keep trust of all members by closely warking together with the constitutional court of Indonesia and other members of the association and promises that we will keep our commitment for continous growth of the AACC. Once again, I would like to extend my deepest appreciation to Chief Justice Hidayat for hosting this wonderful event and all members for your mighty support. Thank you very much for your attention.

(applause)

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Eh..TerimakasihPresiden.

Thank you President Park for the additional explanation. I am sure we all agree that we can conclude that this is our agreement together and we all agree to form a joint secretariat. A joint secretariat that is in Seoul for research and development and a secretariat... permanent secretariat for planning and coordination for all the.. activities will be in Jakarta and we will also give the authority.. full authority to the Turkish Constitutional Court to become the centre for.. centre of learning and also for rapporteur and all these human resources for training and education that will be centred in Turkey and.. by making user full of potential of all the members of AACC.

And..can we agree on this? No objection? So if we can agree, I think what I have stated here will be our agreement here.

(applause)

Thank you.

Saya berterima kasih...

I would like to thank all the delegates, especially, specifically to the pro..to Professor Arslan and then Excellency Madam Maria, President Park, and Professor Zakaria who has given the views so that what we have achieve here can be decided on. Not through voting but through consensus. In line to maintain our harmony and also ours solid organization of AACC because all of it is to achieve..to make this organization to increase and improve itself in all.. it's activities and programs for the future.

**B. Discussion on the Outcome of WCCJ Bureu Meeting**

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

And because it is time for lunch break, we still have around another half to..half an hour to one hour before lunch and thus we will proceed with the next item on the agenda; WCCJ Bureau meeting. Maybe we will begin first with the language. Can we agree that the Russian language will be added to all the activities such as this and it will not become the second language but a language that we will always be using as we have practice in this activity that this activity we use the main languages English and then we also have the Russian language and also prepared for the French and Arabic language.

And so for our future activities that...we will use the English and Russian language as a communicating language in all our activities, but in all the documents it is still.. we still have just one single language that is English as has been proposed by the Constitutional Court of Russia. Any views on this or can we agree on this? Because we are all aware here that the members of AACC..the Russian speaking AACC members are quite a few.. a quite a numb.. few numbers and it will be more effective and efficient if we can also prepared the Russian language that will be used in all our activities. Can we agree on that? To make it a commu..a lang..

**MR. ARIEF HIDAYAT (INDONESIA)  
CHIEF JUSTICE**

And if there are no other opinions or comments, I thus declare it official, thank you.

And then the third point in our agenda is that, I was president at the AACC meeting, there was a decision in the meeting that there will be a Conference on Constitution Justice on the 11th of March and in that activity it was decided that there will be a congress of WCCJ, the fourth WCCJ Congress, and it will be conducted on the 11th to the 14th of September 2017. So we still have around one, another year for that activity and that activity is conducted in Vilnius in Lithuania with the team of the rule of law in constitutional justice in the modern world. And in that activity, WCCJ will give the opportunity to AACC, first of all, is the proposal for the speaker, for, er, during the conference, international conference or the global conference. And then we also have, we are also given the opportunity to become the moderat... moderator and repertoire that represent AACC in the congress, in the international congress, and for that Venice commission, asks for the names that will be proposed, as soon as possible, at the latest on the 30, 30th of November 2016. So I would like to ask your view on this. From the members of the AACC, who are we going to nominate as keynote speaker fo, during that activity and who is going to be moderator and who will be appointed as the repertoire for the activity, please give me your inputs, who is willing to become the keynote speaker? Any views on this? We give the opportunity, at, it, at most, for those who are interested. And for those who have already taken part or who had experience, please give us your experience, share your experience with us.

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT/HEAD OF DELEGATION**

In the congress, in Seoul, two years ago, I think, it was, it was held in 2012, and I was keynote speaker there, I spoke on the protection on the constitutional rights and liberties and I, I, I, want to propose Arifin Zakaria as the keynote speaker, and also Chief Justice of Korean Constitutional Court might be another keynote



speaker, and also chief justice of Azerbaijan Constitutional Court might be a keynote speaker or moderator. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Thank you, Your Excellency, president of constitutional court from Turkey. From Korea, please, go ahead.

**MR. KOOK HEE LIM (KOREA)**  
**DEPUTY DIRECTOR INTERNATIONAL AFFAIRS DIVISION**

Thank you very much, Mr. President of the Turkish constitutional court, we are happy, we are willing to take the position of Keynote speaker as we have the experience of doing that during the third congress, thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE:**

During the third congress, you were the keynote speaker?

**MR. KOOK HEE LIM (KOREA)**  
**DEPUTY DIRECTOR INTERNATIONAL AFFAIRS DIVISION**

One of the chair? One of the chairs of positions and the other justice was a repertoire for sessions.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Ok, ok, anything else, anyone else? Anyone with other views? I think the proposal from, the very sympathetic proposal from Turkey is, and we have Mr. Arifin Zakaria and Mr. Park who can be the keynote speaker here. I think both of them are very competent to become keynote speakers in that event, and we just need to agree who will be given the opportunity by the members of the meeting to become keynote speaker and then who is going to be moderator or report, and repertoire. Please go ahead, Mr. Zakaria, do you have any views?

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE**

We leave it to Korea for the time being, rather than having too many keynote speaker, I would rather nominate, or support nomination of Korea, President Park as the keynote speaker for the coming congress. Hahahaha..

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Ok, then, thus, we can agree on that? President Park Han Chul as the speaker, keynote speaker.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

From Korea will be the keynote speaker and the fourth congress of the WCCJ, so we agree. Azerbaijan please go ahead.

**MR. FARHAD ABDULAYEV (AZERBAIJAN)**  
**CHAIRMAN/HEAD OF DELEGATION**

Thank you for the trust have been given to us, of course we can contribute in relation to this. I would like to say that if the president of the Korean Constitutional Court can be keynote speaker, we would also be very happy with that.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

So we agree that that president Park Han Chul, the Korean Constitutional Court, Chief of Constitutional Court of Korea will be given the trust to become the keynote speaker for world congress. Anything more, please go ahead.

**MR. HAN CHUL PARK (KOREA)**  
**PRESIDENT/HEAD OF DELEGATION**

We official..we make it official, now. And next, for the moderator. I invite, any proposals? Please go ahead, Your Excellency from Russia.

**MR. GADIS GADZHIEV (RUSSIA)**  
**JUDGE/HEAD OF DELEGATION**

Your Excellency, Mr. Chairman. Maybe there are several formalities that we need to decide on because we have just spoken of the structure and the form of secretariat and the Russian language, I think it is time for us to make an amendment on the statute.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

And perhaps we here can also accept the proposal from Korea in relation to language. And we can also accept and make several amendment that is needed toward the statute in connection with this. Because the discussion from Russia is going to take some time and we are about to break for lunch in the next few minutes. I think we will discuss this after the lunch break. But just to fill in who is to be appointed, we are just using this time to discuss what the WCCJ request and in this brief time we can discuss these small items.

And of course the amendment of the statute will be discuss...conducted after the lunch break. Go ahead, your Excellency.

**MR. IGOR ROGOV (KAZAKHSTAN)**  
**CHAIRMAN/HEAD OF DELEGATION**

Thank you, Mr. Chairman, I would like to support the offer from our friend from Turkey that the moderator will appoint the president from Azerbaijan that is Mr. Abdulayev.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

The moderator. Ok, do you approve? Do you agree? From Azerbaijan? The constitutional court of Azerbaijan? Do you accept the nomination? Anymore comments on this if you all agree? You are willing?

**MR. FARHAD ABDULAYEV (AZERBAIJAN)**  
**CHAIRMAN/HEAD OF DELEGATION**

We are very thankful and we accept your appointment as our role as moderator. Thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

So we can all accept his appointment as moderator.

And next, as repertoire. Any proposals? Mr. Arifin Zakaria, are you willing to become repertoire? This is as respondent first. Is that right? Repertoire. So the request is for keynote, moderator and repertoire. What do you think? Excellency, are you willing? For the meantime you're not interested?

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

I think repertoire should left to Indonesia or er... Turkey, you know....

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Myanmar

**MR. HLA MYO NWE (MYANMAR)**  
**MEMBER OF TRIBUNAL**

I would like to be Myanmar to be added as the repertoire.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Do you agree? From the... so the constitutional court of Republic of Indonesia will appoint someone to become repertoire, if you all agree then of course we will accept and we will conducted our rule as well as possible, anymore comments? No more comments? What about Indonesia, are you accepting this task? Can you point someone to become a repertoire here?

**MR. ANWAR USMAN (INDONESIA)**  
**DEPUTY CHIEF JUSTICE/HEAD OF DELEGATION**

If this very auspicious forum would like to ask Indonesia to take part of course we would not say no, and so we can accept as repertoire, one of our justice will become repertoire at this auspicious event.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Can you all accept this? Agree? Great, so if there are no comments we will accept it. Anymore..From Afghanistan? I have not... I have not finalized this.

**MR. KALILRAHMAN MOTAWAKEL (AFGHANISTAN)**  
**SECRETARY GENERAL**

Thank you very much, this is from His Excellency Doctor Shafae proposal actually, can we have a nominee...a female nominee for... for the... this assignments? Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE**

Okay. Yes there is a proposal, it should be wo... wo... women...a woman, so I ask for your agreement that professor Maria would become the repertoire, as has been proposed by the others and also a final proposal from Afghanistan that it should be a female justice, can you agree that? Okay, thank you. It is accepted and so the name is Prof. Maria to be the repertoire, thank you.

And then, just now the Secretary General of the Constitutional Court of the Republic of Indonesia reported to us on the Congress tomorrow, taking place tomorrow, and based on that we have invited the President...the first AACC President, the former or the President of the Constitutional Court of Korea to give an introduction during the Congress tomorrow. As our respect to the first President of AACC and that's why I like to inform you and I hope for your approval that the first the first President of AACC Mr. Lee Kang Kook will give a few words, a few remarks during the Congress. And so the Congress is... as it is the fo... norm in Indonesia and also during several Congresses, as the host of the event of course we have the Governor of Bali giving speech and then the President of... the first AACC President, Excellency Mr. Lee, will also give his remarks, and then myself will give a short speech and finally the Congress would be officially opened by the President of Republic of Indonesia His Excellency InsinyurJokoWidodo, that is what I need to convey to you all. And then, there are slight changes based on the proposal from the President of Venice Commission, Mister... His Excellency Mr. Gianni Buquicchio will be giving a speech on a presentation during the first session. So before the first session is conducted, he will be giving an introduction...a speech, based on the requests and the norm during the Congress in Europe so we give them the opportunity. And actually it was planned for the third session, so there is a slight change in the agenda for tomorrow so that is just an information for you and that is not against our statute and because two main materials have... we have already handle them or... or deal--dealt with, so for the next meeting we will specifically discuss later the amendment of the statute that is specifically article eleven, article five and from what we have already decided during this session. So if there no more that needs to be discussed then thus I declare this meeting is adjourned, we will break for lunch at the location that has been determined and I hope that what has been prepared uh... by the organizers are... is acceptable to all of you and if there are anything that you need please convey to the LOs so that the LO can communicate it to the organizers. Thank you for what you have already... we have already achieved during this first session and now we will sco... adjourned and we will come back to this room at two o'clock in the afternoon. So thank you and we now adjourned.  
*Walaikumsalamwarrahmatullahiwabarakatuh.*

### MASTER OF CEREMONY (MC)

The meeting will adjourned for lunch. For the head of the delegation, the lunch will be served at...

### MR. ARIEF HIDAYAT (CHAIRPERSON)

All of us the meeting is convened... Ladies and Gentlemen, Head of Delegation and Members of Delegation in accordance to what I have conveyed before we break for lunch earlier, we will now continue our meeting and to discuss other matters that we need to discuss. The first one is the amendment of the statute, the amendment is based on the amendment's proposal that we have agreed upon which is to establish a permanent secretariat based in 2 countries, in Seoul and in Jakarta. And we will also add the fact that we will base training and development activities at the training at our training centre in Istanbul or Ankara in Turkey and Turkey will decide in which area... and to accommodate our consensus in the association statute, and also including the use of Russian language in our official meeting... That will be the amendment to article 5 of our statute and article 11 and article 22... of the statute. There are 2 models which we are proposing... the first one... being to assign a working group... to finish on the two documents within the upcoming two days, so that on Friday we can adopt such document at the final Board of Member Meeting or otherwise, then on Friday we will decide the principals, the main principals and the discussion or further discussion can be discussed by the working group through correspondences and or perhaps a follow up meeting for the finalization of the amendment of the statute at a country. The two mechanism are the two approaches that we recommend in amending the statute. From the secretariat, we have tried to formulate the amendment which have distributed to your excellences, Head of Delegates and Member of Delegates. The first one is the amendment to a very principal article, which is article 5. We will also amend article 11, article 12 and the additional implementing regulation which we have prepared for that is the draft annex. So that, on Friday which is the final board of members meeting... can be finalized. The proposed draft, drafted so far has accommodated all matters including the matter which we have discussed this morning and if we take a look at article 5 part 2 language, article 5 Working Language, there is an addition in bold. First point, the Official Language of the association shall be English and Russia. In so far, documents and correspondence English remains the Working Language, that's an addition or amendment for the language, additional to a language being added to be used in association's activities or official meeting, but for documents and correspondences, we will remain using the main language or the official language, English. That's the first, *kemudian pada... part five untuk organisasi...* and then part five, under part five..organisation. Article eleven on organ, *jadi di situ ditambahkan cumasatu..* here'll be an additional point. Point number one which will recite the "organ of the association, shall be Board of Members, the Congress and Joint Permanent Secretariat"

*kemudian di angkaduanya.*

Point number two, the setting of the Joint Permanent Secretariat shall be in Jakarta for the planning and organisation affairs and in so for the research and development affairs. And point three, the arrangement for the function and review mechanism of the Joint Permanent Secretariat... shall be laid down in the annex... of the statute. These are the points to be amended and under or on the annex is the detailed description... every distributed the paper? Yes. On the annex, we've added...

*ketentuannormamengenai organisation...*

norm about organisation and corporation with other institution and it is also included there,

*aaketentuanpada annex satu...*

On in point one, the Joint Permanent Secretariat shall have the capacity to cooperate with any members of the association with regards to attainment of the objectives of the association, that's the point number two. And the Constitutional Court of Turkey shall be responsible for the centre for education and training of the association and then in part nine, under part nine on Budgeting, here is the regulation on budgeting for the association and under article twenty four, a regulation on the financial contribution of member. These are all regulated under the annex to elucidate article eleven to accommodate,

*ketentuansesbagaimanatinindaklanjut yang sudahkitasudahsetujui...our consent or our decision. Under part eight or point eight on Joint Permanent Secretariat under article twenty two, the secretariat, point one, the secretariat of the of the association shall be provided by member organisation the next congress.. and then point two the Joint Permanent Secretariat shall work with the secretariat, organizing the next congress for the organisation and implementation of the decision of the association, itubahan-perubahan, these are the amendments of the article five, eleven, and article twenty two, tambahanadanya annex yang mengatur, with annex to elucidate about organisation structure, financing and contribution of members, bahwaadua, we've also included that there are two permanent secretariat with its own tasks, not overlapping each other and provide mandate to the Constitutional Court Turkey to become the centre of training and education, baikkalubegituaaapanamanyabisa, if we can, kembalipada working group, then we can hand this immediately to the working group so that the working group for the next two days can draft and finalize the amendment. Within two days, they can complete the task, but, otherwise, we will just decide or agree on the principal, and the working group will continue with their task in drafting the amendment of the statute through correspondence, or by means of correspondence, or to hold a meeting in a country. Willing to... host such meeting. I welcome and invite Your Excellences, Head of Delegation to convey your remarks, or any views. I now hand the floor to the Board of Members here.*

*Mungkin dari Korea dulukalauada?*

Perhaps, from Korea. If any? If none, then from Turkey? Or other states? Member of AACC? To give your view, or agreement to this method, approach, or mechanism, or do you have any other view, or comment on this?

So, what is laid down here are the principals that we have agreed upon. It includes the amendment of this articles. From Korea, any of you? The floor is yours.

**MR. KOOK HEE LIM (KOREA)**  
**DEPUTY DIRECTOR INTERNATIONAL DIVISION**

The position of the constitutional Court of Korea regarding this vision of the statute is that this um... document that Institutional Constitutional Court provided during the break is significantly different from the one that we submitted for the Joint Secretariat model. So, we think we need to review fully, before we can give you our exact position about that. And actually um... my court has been working with the Constitutional Court of Turkey to connect with a version that will include a new approach of the Turkish Court regarding the centre for training and education, or I am not sure but the term itself. But, we will still need some time to come up with it. Hopefully we can work together. And my president is thinking that it will be better to conclude this revision hopefully today, when we are done with the final version of our proposal. Instead of having a working group, review this method for two days and adopt it... the last board of members meeting.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Baik.* Very well. In that case, perhaps like, perhaps I can propose something to Constitutional Court of Korea and Turkey, or anyone, any members who proposes themselves to become a small committee, a small committee to help with drafting this amendment? Can convene?.. Because on the monitor before us, from Constitutional Court Korea, the proposal from Korea, is up on the monitors, so in that case, Korea, Turkey and other states if they are willing, including Indonesia, the Secretary General will try to convene to draft a proper formula in a separate room, and as soon as you have finished with drafting, you will come back to this room to continue with the discussion. And while waiting for that to happen, we can proceed with reviewing the draft of Bali Declaration. So that, we can finish and finalize the draft of Bali Declaration latest by Friday, before we sign of all documents that we need to sign off. If that can be approved, I kindly request representative from Korea, Turkey, and representative from other countries, and members of AACC, together with our Court, Indonesia, to go to separate room for drafting the amendment. And once you have completed the task, then you all come back to this room. Can we agree on that? Professor? In that case, I kindly request representative from Korea's court, and Turkey's, representative for Turkey, and from... other States were willing to support this small committee. Your Excellency ArifinZakaria perhaps you can send a secretary general to this committee because the proposal actually also came from Malaysia. So, let's gather the Head of Delegations, please appoint one representative from the Republic of Korea, Turkey, and Russia.

Okay, Russia, thank you. Myanmar? Thank you. The Philippines? Okay.



Please proceed to the Holding Room to start drafting the amendment in accordance to the principles that we have agreed upon. The Organizing Committee, please assist the Board Members to proceed to the Holding Room they are going to use.

Tajikistan?

**MR. MAHKAM MAHMUDZODA (TAJIKISTAN)  
PRESIDENT**

The venue for the working group will be in the Holding Room. I repeat, the venue for the working group will be in the Holding Room.

**C. Bali Declaration**

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

We will now proceed, and we are going to discuss together the Bali Declaration. I would like to ask that the formula that has been adopted or drafted by the Meeting of Secretary Generals to be prepared. Please show it on the screen.

This is the agreement that was agreed upon during the Meeting of Secretary General. There are several points that I need to get some response from the participants of this meeting on the Bali Declaration. I think Your Excellencies Head of Delegations have read it because this draft has been distributed yesterday and there are some objections on this Declaration. Please voice them per point.

So, the title of the Bali Declaration is the "*Bali Declaration of the Promotion and Protection of Citizen's Constitutional Rights*". It is the result of the Third Congress of the Association of Asian Constitutional Court and Equivalent Institutions, Bali Indonesia, 12th August 2016. That is the first point. Please, anybody who can help me read it out? So that all the delegations can follow through.

**MASTER OF CEREMONY (MC)**

Bali Declaration on the Promotion and Protection of Citizen's Constitutional Rights; the Third Congress of the Association of Asian Constitutional Court and Equivalent Institutions, Bali, Indonesia, 12th August 2016. One, we the members of the Association of Asian Constitutional Court and Equivalent Institutions or AACC, held the Third Congress in Bali, Indonesia on 11th-12th August 2016 under the main theme of '*The Promotion and Protection of Citizen's Constitutional Rights*.' Two...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

For the first point, no objections? This is the preamble that we all agree to make this Declaration that is related to this theme. Are there any objections for the first point? No?

**MASTER OF CEREMONY (MC)**

Number two: *"The Congress was attended by delegates from the Constitutional Courts and Equivalent Institutions and Regional or Language-Based groups of Constitutional Courts or Institutions in the capacity as Members and Observers as well as guests of the AACC. It presented a notable opportunity to engage in fruitful decisions and to share knowledge and experience concerning mechanisms in the promotion and protection of citizen's constitutional rights as well as the role of constitutional court and equivalent institution particularly through landmark decisions."*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

What about the second point? Yes, the judge from Afghanistan.

**MR. ABDULLAH SHAFEE (AFGHANISTAN)  
MEMBER**

We needed an 's' to make the court plural. Thank you very much.

**MASTER OF CEREMONY (MC)**

Three: *"In light of our past experience and findings of the present Congress, we declare as follows:*

*We re-affirm that constitutional courts and equivalent institutions have important rules for protecting citizen's constitutional rights against infringements through their efficacious decisions. We therefore believe that constitutional courts and equivalent institutions play an instrumental role in properly guaranteeing people's sovereignty by promoting human rights and constitutionalism principles for the maintenance of the democratic system of governments.'*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Are there any correction or objection with the third point? Okay, Russia, go ahead.

**MR. GADIS GADZHIEV (RUSSIA)  
JUDGE**

In relation to what has been mentioned by Turkey, perhaps I would like to propose something to add to it. I will repeat it again: remembering what has happened recently in Turkey, I would like to propose several additional points. I

can read in English or in Russian. *'We acknowledge the democratic right of the legal government to underline the threat of constitution.'*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

We have not reached that point. That is for point 3.3, and this is 3.1, Your Excellency. For 3.1, are we in agreement? For the Philippines, please go ahead.

**MRS. MARIA LOURDES OLIVEROS (THE PHILIPPINES)  
CHIEF JUSTICE STAFF HEAD**

Just a minor point. The spelling of 'sovereignty, there is no 'i' in the final 'ity.'  
Thank you, Mr. Chairman.

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT**

Shall we put the sub number, just 3.1, 3.2, 3.3?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Okay, we can agree with that? For number 3, we don't use points but we have numbers there using alphabets or numbers. So it would be 3.1, 3.2, and so on.

Okay, the sentence starts with *'We therefore believe that Constitutional Courts.'* Do you need to put *'therefore'*, or just straight away *'we believe that'*? I think we could do without *'therefore.'*

**MR. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE**

*'...that Constitutional Court and Equivalent Institutions',* without *'believe.'*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Directly, yes. So 3.1, and there's a correction. 'Sovereignty' without an "i" and then now Your Excellency Mr.ArifinZakaria suggested that we just eliminate the word *"therefore."* So directly we believe, and *"therefore - comma"* is deleted. Okay. We believe that constitutional court and so on. Next, 3.2 please.

**MASTER OF CEREMONY (MC)**

*'We believe in the constructive collaborative of a regional cooperation, and therefore invite the other Constitutional Courts and Equivalent Institutions in Asia to*

*stand with us, shoulder to shoulder in the AACC, to uphold the independency of the Constitutional Court and Equivalent Institutions for the protection of Human Rights, democracy and the rule of law.'*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Any corrections here? Go ahead, Your Excellency.

**MR. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE**

*'...and therefore invite other Constitutional Courts',* without 'the.' Because we're talking about the other, that must be specific. We're talking about other Constitutional Courts.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Ah, *'therefore invite other Constitutional Courts'*. So eliminate or delete 'the.' The Philippines? Myanmar, go ahead.

**MRS. HLA MYO NWE (MYANMAR)  
MEMBER OF TRIBUNAL**

I want to go back to the point 3.1. I want the drafter to check again the term '*constitutionalism*'. Maybe my understanding is not very much correct. But, what I understand is if we say constitutionalism, there are a lot of concepts, including the... in summing up, the constitutionalism means the constitutional review, so I am not very sure whether this term is the correct term for this passage. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Are there any suggestions? If you use -ism, it means teaching or understanding. It's a thought -- school of thought -- about constitutionalism. Is that true? Is it right to use it this way?

**MR. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE**

*'...promoting human rights and constitutional principles',* without the -ism. Sounds better. Should be constitutional principles that covers -ism or whatever.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Without using -ism. Thank you, Mr. Arifin. And thank you, Madam. We go back to 3.2. Can we agree that 'the' is deleted? Right, and now we go on with 3.3. Please read it out.

**MR. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE**

There's the word "*independency*" -- it should be '*to uphold the independence of the Constitutional Court*'. Without the y. It should be c-e. Independence of the Constitutional Court.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Is that right? Okay. 3.3?

**MASTER OF CEREMONY (MC)**

3.3: '*We uphold the principle that Constitutional Courts and Equivalent Institutions as one of the guardians of democracy should be free from interference by other branches of the state powers. Furthermore, we deplore or we stand against any unconstitutional attempts aiming to abolish the constitutional order and to overthrow legitimate government in the countries of the members of AACC, including what recently happened in Turkey, for example.*'

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

What do you think? I'll start with Turkey. Please, go ahead.

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT**

First, we should replace '*democracy*' with '*constitutional democracy*' because Constitutional Courts are one of the guardians of Constitutional Democracy rather than democracy only. The second, we should prefer the term '*stand against*' or '*condemn*' because '*deplore*' is a too diplomatic term to be used in such a Declaration. So we must say that we...

**MR. ZÜHTÜ ARSLAN (TURKEY)  
PRESIDENT/HEAD OF DELEGATION**

Any unconstitutional attempts because many institutional organisation like the AACC, clearly condemn unconstitutional attempt like 15 July coup d'État attempt in Turkey. So we must also delete the word or expression for example for we don't need it actually. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Jangandihapusdulu.* Please do not delete it yet, just give a mark but with a block so that we can see what the point is here, *kata kata* deplore.

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

According to a dictionary meaning fear or express strong condemnation so it means the same thing (laugh) but in more diplomatic way.

**MR. ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

But it's okay but it's too diplomatic for me, but I will prefer condemn well maybe if majority of the members that we will be fine for me, it's okay.

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

More diplomatic way it sounds nicer. (laugh)

**MR. ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

If majority of the members that we will be fine for me, it's okay objective.

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

I would prefer the word deplore is more diplomatic to rather than to contempt something but it may the same thing.

**MR. HLA MYO NEW (MYANMAR)**  
**MEMBER OF TRIBUNAL/HEAD OF DELEGATION**

I agree with the Professor Zakaria.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Cobadikasihtandadulu.* Just give a mark there. president of Turkey suggested the use of the word condemn but for Professor Zakaria it is between deplore and

condemn. The meaning is the same there is no problem but in diplomatic way, it is better to say deplore, any more suggestion from Myanmar.

**MR. HLA MYO NEW (MYANMAR)**  
**MEMBER OF TRIBUNAL/HEAD OF DELEGATION**

What deplore is more diplomatic language and it's a same meaning as if we use deplore it is included the condemn. So these what is more diplomatic way and usually most of the resolution, we use this word.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Baik yang lain?* What about the others, do we delete the word for example? Do we want to use it? Or as, what as Turkey has suggested is that we delete the word for example.

**MR. ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

What I found out was the sense and for using for example because when you say that including what we simply happen in Turkey that also mean for example, what's the point of adding the word for example, I just want to find out.

**MR. HLA MYO NEW (MYANMAR)**  
**MEMBER OF TRIBUNAL/HEAD OF DELEGATION**

Yes, if we use the name Turkey then we don't need for example.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

For example *ituberartianuya, bisadikatakan*. So it means here that we can redundant word (*pengulangan*), *pengulanganya*, okay? Thailand. Thailand please go ahead.

**MR. NURAK MARPRANEET (THAILAND)**  
**PRESIDENT/HEAD OF DELEGATION**

Thank you. Mr president I first of all I apologize for the Turkey Constitutional Court to oppose the section 3,3. We think about the objective of AACC statute in article 3 in general, is concerned of human right democracy, independent and cooperation in terms of constitution courts of Turkey to propose in the last five lines, last five lines in the red line, first stuff first of all we deplore or we stand against (unclear words) or Turkey for example is not concerned objective of AACC statute. We think it is interfere for interior comment on each country. I

recommend to delete it because is not concerned for the objective of AACC statute in article 3, thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Okay *adausulan*? Any suggestion, silahkan? President Turkey. E.

**MR. ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

O, I actually, I don't.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*E. Sebentarsebentar.*

**MRS. MARIA LOURDES OLIVEROS (PHILIPPINES)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

I am related to a ...

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Nan, Prof Aslansaja.

**MRS. MARIA LOURDES OLIVEROS (PHILIPPINES)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Thank you, thank you Mr Chairman.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Silahkan Filipin.*



**MR. MARIA LOURDES OLIVEROS (PHILIPPINES)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Hmm, unfortunately while we commensurate whether recent event in turkey. Hmm our judiciary or Supreme Court cannot make any statement regarding, hmm internal affair of the foreign state as it is not within the jurisdiction of the judicial department of our country. We will have to consult our executive department through the department of foreign affairs before making any statement that will bind the public of the Philippine. So I hope the chief justice of Turkey understand it we can add as the judiciary make these statement at these time, thank you , this is a proper statement made by the department of foreign affairs, thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Sayacobauntuk.* I will try to ask, the Philippines? AACC is an organization of, consisting of constitutional court which has the mandate to uphold and enforce the supremacy of law, to safeguard democracy in the world including and specifically in Asia. Morally, as a judiciary branch as a court can we not provide a statement, stating that in order to uphold democracy, can we not provide a statement to the public that we have a concern to the anti-democracy attempt or anti-constitutional attempt or anti- um any attempt that is anti-supremacy of law. Please respond, because you, you convey your objection on mentioning that as a judiciary branch it is not for you, it is not your jurisdiction to provide such statement and this is a political fear, if you will, perhaps if you can respond to my question, thank you.

**MRS. MARIA LOURDES OLIVEROS (PHILIPPINES)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Yes, gladly. Um, in general, without the last sentence we fully agree that it is the duty of constitutional court uphold the constitution and constitutional democracy, um, however with respect to specific events involving specific countries or member states I am afraid that are, this is matter no longer within the judiciary to, umm, to make any statements on. I am, I am only referring to specific mention of events, and off the records, um, also if you look at the history of the Philippines, in 1996 we ourselves had an overthrow of a government of the dictatorship and radical changes of the constitutional and then also again in 2001, however this is not have anything to do, so we are, we are standing by the separation of power when it comes to the specific, umm..when it comes to the specific mention of any countries but rest assure that Turkey has our fullest, eee. the acknowledgement of its concerns however, unfortunately to avoid any, umm, over each by the judiciary in our country, we cannot make any statement without clearing first with our department of foreign affairs and the executive, thank you Mr President.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Very well, so there is an objection from the Philippines and from Thailand and particular, regarding the last sentences, starting from "furthermore, we deplore..etc" so there is an rejection or two objections on that sentences, and before I provide an opportunity to Turkey to comment, I would like to invite a comment firstly from Afghanistan.

From Afghanistan and then Malaysia after Afghanistan and then Azerbaijan floor is yours.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**  
**SECRETARY GENERAL**

Tassyakur. A, thank you very much Mr.Chairman, Dr.Shafae says that if we go to back to three, number three, can we go there, please? OK. The sentences from down to up say that, constitution court and equivalent institution play an instrumental role in properly guarantee and in people's *sovereignty* but promoting human rights and constitutional principle for the maintenance of democratic system of the government. This defines the values that we have adopted, so what we have written in the below paragraph is not contradicting to what is written here, so his position is may that we should keep it as it is, and we can add one S, if we can come to the same paragraph, please?

Yeah, legitimate governments one S, legitimate governments in the country of the members of ACC, AACC.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Government, *S-nyahilang*.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**  
**SECRETARY GENERAL**

Yeah one S, and Dr.Safae says there is no need for example as well. Thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

For example-nya *di hilangkan*.

So, Afghanistan is supporting what it stated here, um, but erasing the two words "for example" and single government not plural governments so to erase the S. Azerbaijan?

**MR. FARHAD ABDULAYEV (AZERBAIJAN)**  
**CHAIRMAN/HEAD OF DELEGATION**

We're in, *is this english?* Ampun mas 5:56 much of the time tough, for three point, three....

**MR. FARHAD ABDULAYEV (AZERBAIJAN)**  
**CHAIRMAN/HEAD OF DELEGATION**

Three, point three

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Thank you, we feel that point three point three, with regards to Turkey in concrete, in our opinion, is appropriate and we should that it should remain because the event that happened recently, very recently is condemn by other governments and there is an official request from other governments. So today we are going to officiate or adopt the Bali Declaration and it is not..no more than one month after the incident or the event. And so I think this is actual to keep..for us to keep because we are talking about this concept here.

There's a reference that we can use as an example so I think this is appropriate to the sentences appropriate. We do not need this..we do not need to see this as a political sentence or one that requires politicisation. From Malaysia, Mr.Zakaria? Russia, after that. The floor is yours.

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

First point I want to make is that eh I shared a view of a Philippines in this regard. Because in the first place, as a constitus... as a Judicial body, Constitutional Court or Federal Court, we have to be very elite as to the separation of powers. Here there is a clear democratization between the duties of the courts, advisor to the court, advisor to executive. I feel that this eh last statement, including what recently happened in Turkey. Maybe going into the sphere of the executive power. Of course our government has condemned what happen in Turkey, including Malaysian government. But there is executive functions.

We are very very..what do you called it eh? Careful on this. But even then, even without the words including what recently happened in Turkey, if we stop at the AACC, that will clearly refers to Turkey. Anyone who read this statement will clearly knows that it was regard..directed at what happened in Turkey. So without

that last including what recently happened in Turkey' still can be affect in coop..can be commonly understood as reference of Turkey without any doubt whatsoever. So I think is to safe..we can delete that part, then Malaysia can go along with it. Otherwise, I have my reservation. That's all, thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Oh baik. *Eh cobadiberitandakuningjuga.*  
We will highlight this. From Russia?

**MR. GADIS GADZHIEV (RUSSIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

...  
...

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

The editorial what is proposed by Turkey is actually not the only country that experience the kudeta, because that's not only happened to Turkey. I think we can respond to this event by maintaining this sentence because it is not in contradiction with the statued of AACC.

Ya, Tajikistan.

**MR. MAHKAM MAHMUDZODA (TAJIKISTAN)**  
**PRESIDENT/HEAD OF DELEGATION**

Spasiba

Thank you. Thank you very much Mr President. It's very clear..it's very clear that all the Constitutional Justices in the majority of country condemn terrorism. For example, condemn any violation of constitutional rights and in almost all constitution, it is written that the Constitutional Court has the mandate to review rights constitutional court..constitutional rights. And our stand with this regard for Turkey to refers this to Turkey specifically.. Mr Arslan perhaps can ehm refer or share the experience of how we..this perceive and accepted by other governments. Ehm.. Mr President.. The proposal from our colleague from Turkey is..has adequate ground for that because it is based on a recent ehm incident. So the..the Constitutional Court

**MR. IGOR ROGOV (KAZAKHSTAN)  
CHAIRMAN/HEAD OF DELEGATION**

.....An institution that upholds constitution and eh, the, what happen in Turkey is very actual, very fresh and therefore it is an appropriate reference for AACC. With regards to correction, perhaps, ehm, choice of wording, we can revise but in general to refer to what had happened in Turkey is appropriate.

**MR. ARIF HIDAYAT (INDONESIA)  
CHIEF JUSTICE/CHAIRPERSON**

Tajikistan.

**MR. ERKINBEK MAMYROV (KYRGYZ REPUBLIC)  
CHAIRMAN/HEAD OFF DELEGATION**

Your Excellency, President, Mr. Chairman, Colleague, we are currently declaring values that we uphold and we declare that the constitutional court is the safe, has the mandate to safeguard constitution. And that is a negative, eh, event that has happened in Turkey and in my opinion it is very appropriate to refer to that so that we can prevent similar incident to happen in other country or in other government. So, therefore, I would like to convey my support to keep the point.

**MR. ARIF HIDAYAT (INDONESIA)  
CHIEF JUSTICE/CHAIRPERSON**

Mongolia.

**MR. JANTSAN NAVAANPERENLEI (MONGOLIA)  
ACTING CHAIRMAN/HEAD OF DELEGATION**

The constitutional court is or has the highest mandate to safeguard the citizen constitutional rights. Today, we are here to represent countries where the constitutional order is one that we have to keep and therefore we feel that this is correct to keep, the sentence is correct to refer to a constitutional matter what has happened in Turkey is correct. And, specifically, if Turkey feels that it is important to incorporate this point to the declaration, then we fully support this point, thank you.

**MR. ARIF HIDAYAT (INDONESIA)  
CHIEF JUSTICE/CHAIRPERSON**

It seems that all countries actually is supporting the statement on the sentence, the first sentence. That is, written in black. And then there's a group of countries and members of participant of the meeting which request that the red cab..written in red is deleted and there is a middle way as has been conveyed by Mr.ArifinZakaria, if we stop at the members of AACC, the direction is already what

is ha, is, going towards what happen in Turkey, so those are the three alternatives that is developing in this discussion. So, I would like to ask the view of President Arslan, if what is proposed by Malaysia, that is to delete the sentence after AACC, can already represent the interest of a, our mutual interest and also reflects what can be an example of what happen in Turkey. Is it sufficient? I would like to ask your opinion here because for us together here, the black, we have no problem with what is written in black, but for Thailand and Philippines, the red words or the red in color with the word Turkey at the end, but there is a middle way suggested by Malaysia, where it is still neutral if what is meant here is what happened in Turkey, so we can just stop at the word AACC. Please go ahead, Your Excellency.

**MR. ZUHTU ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

Under the heading of, um, number three, so in the light of our past experience and findings of the present congress, we haven't, eh..

**MR. ZUHTU ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

Our present congress, but tomorrow we will start to talk about the subjects of the congress and on Friday I will talk about the state of emergency declared following the coup d'état attempt in Turkey. And if we talk about it after my presentation, I am sure Philippines and Thailand and Malaysia will certainly agree with me on including the term Turkey within the sentence, because what happened three weeks ago or almost four weeks ago in Turkey was not a typical failed coup d'état. It is and to mention Turkey in this sentence doesn't mean involvement in local or in interior politic, because Turkey as a whole including all political parties, all civilsociety organizations, all media, almost all people were against this coup d'état attempt. So it's not a matter of controversy or it is not a matter of debate among political actors or civilsociety actors. So there is a consensus in Turkey as well as in Europe that this was an anti-democratic, unconstitutional, illegitimate attempted to over throw the legitimate government of Turkey. We are in a position here to deplore or condemn whatever the word we choose the heinous attack...attack against democracy, human right, and rule of law. Almost about 250 people died as a result of this attempted coup in Turkey and thousands of them were injured. I will give you the details about this incident on Friday. But I can now say that it is one of our missions to deplore unconstitutional and anti-democratic attempts in any member of the AACC. As the chief justice, Arif Hidayat emphasized this is... this is our... in fact responsibility or duty to concern about such incident because our statute is very clear in emphasizing that the AACC'S objectives are to protect human right, democracy and rule of law. That doesn't mean that we can protect them in abstract, or or we don't want work in a vacuum, I mean we are not academics here, we are institution, we are

constitutional court and Supreme Court. We are dealing with life issues here. So, recently Turkey experienced a devastating attack against democracy, rule of law and human right. And these are values we should protect at most. So I insist that the expression including what recently happened in Turkey should remain in this paragraph 3.3. Thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRMAN**

Thank you very much. Professor Arslan, please go ahead. After receiving this explanation, are there comments? New comments? New views? Especially for the head of the delegates who has not approved or do not approve of the sentence. I would like to ask the view of Thailand, Philippines, and Malaysia. Please go ahead. Malaysia first.

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Just a..well, Mister... The president of the Turkish constitutional court has already stated that er...he will be giving us detail explanation of the event that took place in Turkey in the congress, is it not so? Is that what you stated just now? Well, if that's the case, I think it's better for us to postpone this to the end of our discussion. After the congress then we come back with the statement. Because the... Then at least we have the explanation, the submissions, er... the full story from Turkey rather than to make and talk at beginning now without even hearing what actually transpired in Turkey from the firsthand information from the president of Turkey constitutional court. So my proposal is why not we adjourn this for the moment, come back later. But anyway, my other observation is the word furthermore,if we can do away with the word furthermore and substitute with the word accordingly we deplore. Instead of furthermore it just accordingly, because it follows from the statement, from the first sentence, it should be accordingly we deplore.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRMAN**

According..

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Accordingly

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Do not delete it but put it beside the word furthermore. Slash...Accordingly we deplore.

**MR. ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

In the first sentence. And then the... and the... the other proposal I wish to make is to emit 'abolish constitutional order and to overthrow legitimate government'. Without the's'. Because there's stop.... we don't have to make reference to countries that were m... members of A... ACC. We condemn any government for that matter, not necessarily members of the AACC alone. Even those are not members of the AACC is going to be overthrown, we also condemn. So we should make statement, general statement rather than we specific reference to AACC members alone, so the sentence can stop overthrow of any legitimate government, any legitimate government. Then, including what recently happened in Turkey, full stop.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Okay, thank you. From the Philippines and Thailand, do you have anything to say or do we go... we just let this point stay as it is until Friday? And we will proceed with the next point? How about it? I offer you this option, Madam.

**MRS. MARIA LOURDES OLIVEROS (PHILIPPINES)**  
**CHIEF JUSTICE STAFF HEAD**

We will await and we look forward to Turkey's discussion. However, may I just reiterate that because of the very delineated separation of powers in my country, I may have to refer this to the executive. Otherwise if this is included, I may not be authorized to say on behalf of the Chief Justice. Uhhh... so I... I'm just putting there already as a caution, um... our constitution prohibits us from transgressing into areas exclusively towards the executives so I understand um... and my government has likewise condemn what happened in Turkey, but it is the executive branch. We have no, again, uh... authority to speak on behalf of the Republic of the Philippines, or the court of the Philippines on this matters, I'm just repeating that, and I look forward to Turkey's presentation. I have already refer this to the Chief Justice, and she has agreed with me that this maybe a delicate matter, uhhh... which may involve another branch of our government. And um... uhh... yes, so that's how complicated our separation of powers are in our country, so.... thank you.



**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Yes, we understand, Ma'am. And next ...from Thailand. Please go ahead.

**MR. NURAK MARPRANEET (THAILAND)**  
**PRESIDENT/HEAD OF DELEGATION**

First of all, we should to... talk about the separation of powers in the rule of law, we have three branches; ex-- legislative, executive, and court. Constitution court and equivalent institution is mean for the court for legislature, this often are intimidate each other, so in the context, I think for the three point three, we uphold the principal of the constitution courts and equivalent institution as one of the guardian of the constitutional democracy should be free from interfere by other branch of the state powers. Stop here, is general, is the best. If you talk about according to furthermore something like that, is interfere, for each branch...and interfere for executive of each country. We do not agree for this context. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

Very well, in that case, any other view? Wait, Myanmar? Go ahead, after Myanmar I invite Indonesia.

**MRS. HLA MYO NEW (MYANMAR)**  
**MEMBER OF TRIBUNAL/HEAD OF DELEGATION**

To support the idea the restructure of the Professor Zakaria, because I have two points; but actually I do not have much problem on this sentence but our... us non-interference in internal affairs of the sovereign state is the cardinal principal of the ASEAN countries, first point. And second point is also like in our country we are very recently in the democratic concession so we are straightly follow the separation of power and as the Philippines said in our country also it is... uh we have already the... Ministry of Foreign Affairs of the Republic of Myanmar has already condemn what happened in the Turkey and we understand very well about the... uh... the deposition of the Turkeys but uh... we uh... we want, if we can stop it in the legitimate government do we need still need to... it is quite obvious that we are currently referring this matter to the Turkey. So, I think um... I... I like the rephrase by the Malaysian. Thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Disampaikan oleh Malaysia, ya..baik. Terimakasih.

Thank you Your Excellency, uhh... upon listening to the views there are actually two views, two contradicting views. So perhaps the way out of these differences as mentioned by Turkish's President. He will provide a further elaboration on Friday, about the ground and reasoning why do we need this sentence to be incorporated in the Bali declaration and therefore in this opportunity, this auspicious event, perhaps we can delay, postpone this issue, postpone this matter and wait for his excellency to explain on his presentation on Friday and let us just note in our minute of meeting for now and stop here because it seems that we have two differences and uhhh... both have reasonable ground, one mentioning about that we are the branch, adjudicative branch and it is not our mandate to interfere with what has happened in other countries, that's one side, on the other side there is also view that yes, it is *coup d'état* and its anti-constitutional and we should condemn. in that case we accept uhhh proposal from Your Excellency, Mr. Arifin Zakaria, let's postpone this matter point 3.3 and we have agreed that the sentence in black is the sentence that we can agree for now but the red sentence, we are divided into 2 arguments, to be erased or to keep the sentence until AACC... stop after comma... but we'll erase this or keep this. So if postpone is the option... we can now postpone, informally, we can continue the discussion later on in order to achieve a consensus. but again, my expectation, my hope eeh... when hmm by the time that we agree on something, hopefully that we can all agree in consensus matter, in majority and perhaps we can find a middle ground where we can all agree upon a decision so that all rights are protected and all sign the Bali Declaration. So let's just postpone this matter and let's proceed to 3.4.

**MR. ANWAR USMAN (INDONESIA)  
DEPUTY CHIEF JUSTICE (HEAD OF DELEGATION)**

We resolve our collective effort in strengthening the function of AACC by establishing a permanent secretariat of the AACC. The new established secretariat is envisage the posture... the process of achieving the AACC objectives in promoting the protection of human rights. The guarantee of the democracy the implementation of rule of law and the independence of constitutional court and equivalent institutions as well as providing platform for cooperation and exchange of experiences and information among members.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Is it agreeable Your Excellency? Malaysia? Go ahead

Clause 3 we say in the lack of our past experience and findings. Here we are talking about experiences, I don't know but in matter of consistency whether you want to use it experiences or experience. So if we want to put experience then in paragraph 3 also should be in clause, in clause 3 it is also should be experiences otherwise it's not consistent, that's all.

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

We here refer to experiences so it should not be single, it should be plural, the collective experiences so there should be an "S"...

**Mr. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE**

Clause 3, Right

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

Baik... yang di atasjuga...  
Next, any other view? Refinement? Afghanistan?

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)  
SECRETARY GENERAL**

Thank you very much. Can we add establishing a Permanent Joint Secretariat?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Ok.. bisa disetujui ya...  
Can we agree on that? Any other? If none...  
We shall adopt 3.4 let's now proceed to 3.5, *tigatitiklima*...

**MC**

to further the efforts in protecting human rights and strengthening democracy in change the global cooperation with other organization of regional group. Therefore we shall continue the process of concluding the memorandum of understanding with the Conference of Constitutional Jurisdiction of Africa, CCJA, as a mutual cooperation between two parties in order to implement the constitutional justice in the two regions.

D. Discussion on the Cooperation with the CCJA

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

This relates to the association of Africa, Constitutional Jurisdiction of Africa and we have not go in-depth about cooperation with Africa, so maybe we can delete this point and once we have gone into a more in-depth discussion with the Conference of Constitutional Jurisdiction of Africa then we can put it back in the board of... in future board of meeting. And 3.6 has gone through a development which requires our decision, distinguished delegates. Up until today there hasn't been any proposal or... proposal for presidency candidacy for two thousand... for the next period for the next term, and also to become the host of the 4th congress of AACC and the... in the informal discussion that were some discussions made on that... and I kindly invite those discussions to be tabled here because the presidential term 2014-2016 has actually ended in April this year. But, due to our work in each institution... the burden of work in each institution the 3rd Congress can only be held today in August 2016 which are currently doing. So actually the president for AACC for 2014-2016 has ended in April but it is only now that we are going to appoint a new president in august. Now, I would like to ask for your comment. How to address this comment in the best manner, if you have any suggestion and if that suggestion can be adopted that's excellent because 3.6 then can be decided which is the appointment of the next president... Very well, I invite, any view, comment, suggestion, for the presidency, for the next presidential term. Any view? Indonesia?

**MR. PATRIALIS AKBAR (INDONESIA)**

*Terimakasih, Pak Ketua..*

Thank you, Your Excellency. I apologize, my apology. So, I would like to discuss first about 3.5, 3.5. Actually 3.5 is very good, AACC will, this means that AACC will communicate with CCJA, this is very good, but because this has not been done, no action has been taken to initiate such cooperation perhaps 3.5 can be used as recommendation for the next president of AACC to initiate the communication with CCJA, thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

I would like to extend in this meeting that I actually have initiate communication Constitutional Court of Aljazair, the President and secretary general, the permanent secretariat of CCJA and there is actually an understanding, a temporary understanding that at one point of time we will have to meet up with ... between AACC and CCJA to hold a joint congress among all members of Asia-Africa... but this talk is only at stage,so this can be taken as recommendation to continue with the talk which is to hold a joint congress between Asia-Africa. So, we can put this, put this as a point of recommendation if we agree to do that. 3.6... 3.6 again as I've mentioned before, I kindly invite your comment, view, um... honorable delegates.

Any views? Excellences? Or I have talked with President Park, if there is none, no candidacy for president Korea is um... has expressed their willingness to hold the forth congress. So, they are willing to host the forth congress. But, that does not necessarily mean they are willing to be the president, because they have had their presidential term before. But, they are willing to host the forth congress. So, how do we see this? But, the tradition that we have capped so far, the congress is usually hold at the place of the presidential termed. Like the second congress was in Turkey, the first congress was in Korea. Both because the presidents were of that country, and the third one in Bali, because the president of AACC is the constitutional court of the Republic of Indonesia. So, I don't know, um... this... which formula is to be proposed or decided. Any views? Because, if we establish a secretariat, as a secretariat without president is no use. Excellences, Doctor ArifinZakaria, perhaps you are willing to be the next president?

**MR. ARIFIN ZAKARIA (MALAYSIA)  
CHIEF JUSTICE**

For that, I cannot accept the proposal immediately...(Laugh)... But, if I may suggest, we look at Article 21, on meeting, the association holds meetings in general a congress once every two years. Congress comprises an opening. The congress...There is nothing here to see that Indonesia cannot take on the presidency for another term. Except the presidency, the congress every two years. Doesn't say that the president can only be two years. Can be for four years. What I may suggest is Indonesia carry on with the presidency for the next two years. Until we come with another candidate. And I think it is also in line with the proposal that Indonesia is gone to be one of permanent members, permanent secretariat. That will be fine I think, if Indonesia continue for another one term as president, and we don't have to nominate another president until another two years. Anyway, we have ended up into the end of period, anyway, you should have expired in that period and now we are in August. So, you carry on for another two years. We are fine. There is nothing unconstitutional about that proposal. Thank you.

**MR. ARIEF HIDAYAT (CHAIRMAN)**

*(Laughing) Yak, jadimemangtidakadabatan.*

Yes, there is no limitation, but the tradition that we have um... used there is two-year term for president. But, if that is something that you agree on, Excellency, Delegates, if Indonesia is mandated, yet again, until there is a president to be chosen. I don't think it is a problem. But, we need to have that as a consensus. So, Indonesia whoever that is, because my term will end in 2018, so, if I will be um... I can be replaced, but not the country, because my term as Justice at the constitutional court will end in April 2018. But, as the head, or as the, as the Chief of Justice is until 2017. But, my term as Justice is 2018. So, I don't know, if the president is automatically the Chief of Justice of constitutional court in Indonesia,

and that means, that would be the next Chief of Justice whoever that is. But again, it is not a problem... that is not a matter, or an issue, if we can reach a consensus on that. Professor Aslan any opinion?

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT**

Or we should continue for the next president...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Working group still require or ask us some more time - maybe ten more minutes for them to report back to us about their discussion on the amendment of our Statutes. So let us wait ten or fifteen more minutes.

As for the second matter relating to point 3.3, is postponed at this point to be finalized on Friday, and also the appointment of the next President 2016-2018, that matter is also postponed and to be decided on Friday. We can't force that to be addressed or determined and decided this afternoon. So, I'm adjourning the meeting again for fifteen minutes awaiting the Working Group to report back to us, thank you.

There's a suggestion. The materials that are not decided this afternoon will be postponed including the discussion by the Working Group. We'll just wait for that on Friday. I hereby close the meeting so all the three matters that are postponed will be decided on Friday. If you approve to this, I will adjourn the meeting until Friday, according to the schedule agreed.

Meeting adjourned. At 7 PM, I kindly invite Your Excellency Head of all the Delegates and Members of the Delegations to attend the welcoming dinner at PasarSenggol in Hotel Grand Hyatt, Nusa Dua Compound.

Thank you. *Assalamu'alaikumwarahmatullahiwabarakatuh.*

## **B. VERBATIM OF FINAL BOM**

### **MASTER OF CEREMONY (MC)**

*Assalamu'alaikum wa Rahmatullahi wa Barakaatuh*; Om swastiastu; Shalom; Namu buddhaya; Peace be upon us all.

His Excellency, Chief Justice Prof. Arief Hidayat of the Constitutional Court of the Republic of Indonesia, as the President of the Association of Asian Constitutional Courts and Equivalent Institutions. Excellencies Head of the Delegation of the Members of the Association of Asian Constitutional Courts and Equivalent Institutions, and distinguished delegates, welcome to final Board of Members Meeting of AACC on Friday 12th August 2016 at Bali Nusa Dua Convention Center.

Chief Justice Prof. Arief Hidayat as the President of the AACC, as the Chairman of this meeting. To His Excellency Prof. Arief Hidayat, the floor is yours.

### **MR. ARIEF HIDAYAT (INDONESIA)**

#### **CHAIRPERSON & CHIEF JUSTICE**

Thank you. *Bismillahirrahmanirrahim*, the meeting is now re-opened. Peace and prosperity be upon us all. Excellencies, Head of Delegations, Members of AACC, as mandated by the Statutes we are now in the meeting for pre and post Congress, according to Article 12 Point 2 of the Statute of Association. And we have just completed the Congress a couple hours ago, and now we are commencing the final of Board of Members Meeting. The meeting this afternoon will discuss on the agenda -- on several agenda: the first being the amendment of Statutes; and then second agenda, the appointment of AACC President for the period of 2016-2018; and three, the third agenda to discuss about the Bali Declaration; and the fourth in the agenda is to hear the report from the President of AACC for the term of 2014-2016; and lastly, the signing of the meeting and the signing of the Bali Declaration.

If there's no further objection, we will proceed with first agenda. Is there any views on this, objections, comments? If not, then we can adopt the agenda for this meeting.

First, we will finalize the Working Group result of the amendment of the Statutes. As we all know, that there are several articles on the amendment of our Statutes that needs to be adjusted: Article 5 on working language and Article 22 on the Permanent Secretariat. We will begin our discussion with Article 5 as is now displayed on the monitor.

Please zoom in -- I would like an assistant to zoom in and show the draft of the amendment on the slides. Anyone would like to read it out loud to the floor?

**MASTER OF CEREMONY (MC)**

One: The official working languages of AACC shall be English and Russian languages. Simultaneous translation into official working languages of the Association shall be provided at the Board of Members Meeting, 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 the English language. Final documents in the framework of the Association's activity shall be adopted in either of the two official working languages, defaulting to English unless the Board of Members decide otherwise. Translation of the final document to the other official working language shall be prepared within a reasonable period.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON & CHIEF JUSTICE**

Thank you. Please continue.

**MASTER OF CEREMONY (MC)**

Paragraph two: 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.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Any comments? I invite the proposed country, Russia. Is it sufficient? Is the amendment sufficient? The draft of amendment of Article 5, under Article 1 and 1.3. Go ahead, Your Excellency.

**MR. GADIS GADZHIEV (RUSSIA)**

**JUDGE/HEAD OF DELEGATION**

We would like to thank all participants and member of delegations for the acceptance of our proposal and also the amendment. We accept this amendment, and this will ease us -- not only delegates from Russia but other delegates that uses Russian. Very beneficial for us. Thank you very much.

**MR. I DEWA GEDE PALGUNA (INDONESIA)**

**CONSTITUTIONAL COURT JUDGE**

The proposal has been adopted. Any comments to revise or improve the wording - the editorial of the Article? Because in principle, we have agreed to incorporate Russian as the working language. But now the draft; do we have a comment on the editorial or the wording? From Indonesia?



**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

*'Correspondence in the framework of the Association's activities shall be performed in English.'* That's enough, I think. In English.

So we erase the word language -- the word '*the*' and '*language*'. Only in English. But we have a language assistant perhaps. Language assistant, can you please help? No objection. Excellency? From Afghanistan? No? None? In that case, the amendment of Article 5 can be accepted.

**MR. I DEWA GEDE PALGUNA (INDONESIA)**

**CONSTITUTIONAL COURT JUDGE**

The next agenda, Article 22. Please put it up on the slide or in the monitor. Someone please read it out to the floor.

**MASTER OF CEREMONY (MC)**

Article 22, Secretariat. Paragraph 1: The functioning of the Association shall be ensured by the Secretariat.

Paragraph 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.

Paragraph 3: The primary objective 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 function, the host Secretariat may administer those functions upon the decision of the President.

Paragraph 4: The primary objectives 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.

Paragraph 5: Structure, constitution and functioning ongoing objectives of the primary objectives stipulated in item four 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 should be accountable to the Board of Members. At the moment of establishment, the permanent Secretariat shall be...

**READER**

secretariat in the following configuration, 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 centre for training and human resources development to be situated in the Republic of Turkey, these parts of the permanent secretariat shall be organisationally independence from each other, paragraph 6 the president of the association shall execute the overall direction of the secretariat of the association and coordinate the work of the host secretariat and of the permanent secretariat within their objectives, paragraph 7 the host secretariat and the permanent secretariat shall informational, informational exchange

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik terimakasih.* Thank you, I would like to firstly invite Korea any comment, view, or these amendment sufficient?

**MR HAN CHUL PARK (KOREA)**

**PRESIDENT/HEAD OF DELEGATION**

No objection

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik terimakasih.* Thank you Malaysia?

**ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/HEAD OF DELEGATION**

With all due respect I think it's difficult for me to absorb these, just flash on the screen, is something so important a constitutional document of the association just pass through like these, I would have expected I think to be circulated in advanced and we can sit down in our free time discussing, what it is the function of association shall be ensured by the secretariat, you all work formerly it used to be , shall be provided by the secretariat that's is the direct way of saving, provided by the secretariat what do you usually word ensure, many thing (laugh). I am not very comfortable with these amendment because full of word in here, how I can to digest these I don't know about other countries but Malaysia has reservation over because its very important document, you should look into it and draft and understand it properly otherwise can leak a lot of misunderstanding in the future, I don't know about Philippine, Myanmar. Thank you.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik terimakasih.* Thank you your Excellency this is a suggestion for us to go to more in depth because this is in great detail, the draft in great detail, do you have any view, I would like to invite Turkey, Turkey to comments on these? Silahkan yang Mulia. Your excellency from Turkey.

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Well it seem acceptable for us. I mean I don't see any problem in term of learning the amendment and the contain of the amendment so also reflect our decision, decision so the board of member, held in the first day of meeting but if Mr Zakaria is not happy with time and the method of reviewing the amendment, of course we may have sometimes to elaborate on it. I can only respect these review. I mean if any member of the board needs time to think about it or to study on it we can reserve time but it will certainly delay and postpone the amendment and statute.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Yak baik.* Okay before I request other view to the secretariat, the secretariat please distribute the paper, the draft of the amendment. Please distribute the draft on paper however we notice, we understand that within the working group, Malaysia was in the working group and technically all the participant in the working group have agreed to this amendment what about the, from Myanmar? Is there any comment or view from Myanmar? While waiting for that I kindly request secretariat to please distribute the draft or amendment on paper, Myanmar?

**MRS HLA MYO NWE (MYANMAR)**

**MEMBER OF TRIBUNAL/HEAD OF DELEGATION**

Myanmar is also participated in the draft group, I don't have much problem, but I am not very, I have a little bit problem of the uses like Professor that ensure is that, I couldn't get the definite meaning, it is, because, excellency, because of our age it's very difficult to read in the screen, so it is very much better we got this. Thank you excellency.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Iya baik, mohon untuk bisa dibagikan segera.* Please distributed as soon as possible so that it can be spruced for a few seconds before we look into it in a complete manner anymore comments?

And comments or response, I will give you around 5 to 10 minutes to read trough the document, please proceed, please go ahead.

*E, tolong layarnya kembali...*  
Please return the monitor to the....

[the rest went into their own discussion with paper from the secretariat]

[discussion on progress, no interactive dialogues among delegates]

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

Excellences, Presidents, and Chief of, oh, Heads of Delegates, can we proceed? To discuss on the changes or the amendment in article 22, specifically from his Excellency, Mr. Arifin Zakaria, do you have anything to say? We go back to the screen, the monitor, the text, please go ahead, Excellency.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

Back to article 5, can I have article 5 again? Article 5. Can you put back to article 5? Who's doing the...

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Pasal 5*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

*Pasal 5.. Yak, structure 1. Article 5,1.*

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Artikel 5.*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

*Ini soal bahasa saja.* This is about the language. Find the documents in the framework, section activ, activities, shall be adopted in either of the two official working languages. That's very clear. Then you have the word, "defaulting to English, unless the Board of Members decide otherwise. That give me some trouble. What do you mean by defaulting to English? This is not English anyway. As far as I'm concern, this is not the correct English. Defaulting to English, unless the Board of Members decide otherwise. What is the meaning? What is the intention here? To start, can I ask the Secretariat? What is the intention of putting these words, defaulting to English, "unless the Board of Members decides otherwise". Can somebody explain this?

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

The explanation from the, fo, formulated, the first is to use the English language but we can decide otherwise rather than using the English language. The documents, in the documents.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

The rest are quite clear, when Final document, right? The final document, in the framework of the association activity shall be adopted in either of the two official languages. It could be English or it could be Russian, right? We are clear as far as that. Had we stop there? Then must be in two languages. But what they are trying to say is, if I can understand this, it can be in English alone if the board otherwise

decide. If the board decide, can only be in English language, and not be in two languages. Is that what you mean?

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Kalau begitu usulannya... So, what would you suggest, your excellency?*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

...the association's activities shall be adopted in either of the two official working languages. Shall be adopted either in two languages. Unless the board decide otherwise. Unless the board decide otherwise. In other word, the board can decide to be in English alone. But, without any decision of the board then it must be in two languages.

I don't know what about the other members. Is that clear?

Mr. Chairman, the other problem we have is, if you look at this document, final document in the framework of the association activities shall be adopted in either of the two official working languages. Either, you use the word either. In other words, it can be English, it can be Russian, we don't understand Russian, what you want is, it can be in both languages. Not either, isn't it? That's the intention of the Russian Republic. It shall be in both languages. Unless the board otherwise decide. In other world, the official documents have to be in both languages. Unless, the board otherwise decide.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Memutuskan sebaliknya?*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

Aah, it will be easier. This drafting does not convey that meaning. It can be in either a Russian or English. That's not what we want. What we want is, it must be

in both languages. So, it shall be final document bla bla bla shall be adopted in two official working languages. Eh? Shall be adopted in English and Russian. That's all. Unless the board otherwise decide.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Jadi..* So the main language is still English, and then for the working language in the activities, you can use two languages. Except, the board decide otherwise. Is that what you mean?

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

That is the intention, that is shall be rephrase differently. Final document of the board of framework of the association activities shall be adopted in the two official working languages, in other words we have both Russian and English for working document. Is that the intention of Russian Republic? Only the final document, not the other document. Only the final document. Shall be in other... For example in our declaration shall be in both languages. But the board can decide to use only one language.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Sebentar. Afghanistan terlebih dahulu.* Afghanistan, please proceed first of all.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**MEMBER**

According to the... The working group, as well I join them in the second day of their work. Er... In my understanding meant by putting "defaulting to English", is that we are not producing all the documents in both languages. Due to the burden of work it was also a suggestion came by our colleague from Russia. And it was the content of the decision that well agreed as well. So, now, assume that you have this mobile. It has a certain settings, that setting is called default settings. If you would like to customize it you need to change the default. So if you don't want to customize it you...still the default remains the same. This is the intention for example, this example. So if you don't put other agenda that whether we should produce it in English or Russia; it goes normally

and smoothly all the documents will be produced in English because it is same that 'defaulting to English'. In either means you have two choices; either you should pick one choice or another choice. But if you don't discuss to pick up any choice; English is a choice.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*English yang dipakai*

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**MEMBER**

English is a choice, so if you decide to make another choice so it is...depends to yeah... it depends to them...uh Board of Members. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Iya, kayak itu...*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

Mr. Chairman, with due respect I think our the-- English is our official language when we started this. We are adding Russia as an additional language. So there's no such thing as 'either English or Russian'. It must be English and Russia, or English alone. It can just have Engli-- either English or Russian, that is what... if that is the intention then totally we disagree with it. It must be English and Russian, or English alone. That's it. We can't have 'either or', there's no such thing as 'either or'. That is not our intention, because we don't read Russian at all and the majority here I think uh... would agree with the... that's why we opted to English.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Ya jadi...apa..*

Yes so what we have decided yesterday was that the main language in this



Association is English language. In...our activities and other activities we can use the English language or the Russian language, but in the official documents we will use English language or... on...with the Boards' decision we can use the Russian language. That is what we decided yesterday, wasn't it? Is this formulation or amendment; actually it's the same as what you have stated, Your Excellency; but is this formulation, does it reflects our wish in this case? So the main language is English. All the documents will be in English. If we decide otherwise then we can use Russian, is that so? That's what we decide yesterday.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

My understanding has always been English and Russia can be used in our... as, as our official language. It can be either...it-- it can be English and Russian; but it cannot be Russian alone as alternative to English.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Ya, betul.*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

But the document here does not reflect that. The moment you put 'either', there is 'either or'. 'Either English or Russian'. With due respect that... that is my understanding, my simple understanding of English.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

Okay, okay...

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/ HEAD OF DELEGATION**

The word 'either' must go. Get rid of the word 'either', then it will express the meaning.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

*Oke, uh.... dari...*

From Russia? Our agreement yesterday was like that. The official language of Association is English. English. And then, in uh... the activities that we do we can use the Russian as well as the English language; in the documents we use English 'or' Russian language if it is determined by the Board of Members, wasn't it like that? But now this formulation, according to Mr. Zakaria, if we use the word 'either or' then it could be in English, if it's not in English then we'll use the Russian language, right? Okay, Mr. Pal?

**MR. I DEWA GEDE PALGUNA (INDONESIA)**

**MEMBER / CONSTITUTIONAL COURT JUSTICE**

Yes, what is stated by Mr. Zakaria is true. If we use this language the final documents in the framework of the Association I think... *harus diadopsi di salah satu, salah satu, bahasa resmi-- bahasa ofisial resmi. Kita bisa menggunakan--* we can use English as well as Russian. And well the main aim of this meetings that all the document should be in English unless, unless for example, the Board of Members decide otherwise. And we... that means we can't also add Russian language yet, because the consequence of this 'either' then there could be a continuation because if there is wrong interpretation, which do you use? We use the English language, so I think if uh... it is true what Your Excellency said, so we have to be clear here; all the languages will be in English unless the Board of Members can add the Russian language. If the Board of Members decides on it. So it is clear here there would be not-- no misinterpretation here.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/ CHIEF JUSTICE**

Yes, I invite Russia. After Russia, Turkey.

It is also translated into Russian because many of the members of the association at present is does not have the ability to speak good English. So to make it easier for our communication, our interaction that English as well as Russia is made the

official language. We would also like to request the formulation that has been proposed will be accepted as a final form. We do not have much time present because at present from, in term of time, we are a bit out of time. Perhaps we can finish discussion now.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Turkey, I invite your Excellency  
**Mr. ZUHTU ARSLAN (TURKEY)**

Read the word starting from "either of" until uhmm "English". So it might be like this. No no... excluding English. While i think we can say that the document in the frame record the association activities shall be adopted in English unless the board of members decides otherwise. I think that will be perfect solution to the problem. I think this is what we meant in the first meeting.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Can we accept that?

**MR. ZUHTU ARSLAN (TURKEY)**

Yeah. That's fine with me.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Russia?

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Agree.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Agree? Russia?

**MR. GADIS GADZHIEV (RUSSIA)**

I would again to reiterate, yes we agree with the editorial with the wording but this is a technical question, this is a technical question, i want to draw your attention to, we still haven't discussed the second point of article 5 and this means that the current editorial must be read as is now because we haven't discussed on point 2 article 5. Because it relates. Number two. uhh So, article 3, there is a word "expense of the delegation into one or both official working languages of the

association". So both points remain the same in exception to point 1 which is to erase either of and just put it in English unless the BoM decides otherwise.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Agree? No more views?

Agreed, for the words "either of until 2 be erased". Let me knock... to declare that it is adopted.

Article 22. Article 22 is... the point here is that there is secretariat that follows the presidential term. For example if the president is Indonesia, then the secretariat for the host is Indonesia. And, there is secretariat, a permanent secretariat in 2 countries plus one as center of training and education in Turkey. The, if permanent secretariat could not function then function shall be handed over to the host secretariat or taken over by the host secretariat so we have the president, the host secretariat, host secretariat perhaps can be called the secretary general or other terminology and host secretariat will coordinate the permanent secretariat in Indonesia, in Turkey and in Korea. Even, when the host secretariat is autonomous and report to the president of the association. This is what is elucidated by this amendment we have agreed that the joint secretariat in Jakarta and Turkey, sorry... in Jakarta and Korea plus the center for training and education in Turkey are merely to assist the host secretariat attached to the president. I believe that is the intention of the amendment of article 22. Is there any terminology or editorial review?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Which you would like to comment on, Your Excellency.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Sir Chairman, on the article 22, the former provision are very short, very brief, the secretary of the session shall be provided

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Ya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

by the member organizing...the next congress and the ... this has been replaced of course

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*congress, betul, iya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

with so many article, the first one...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Iya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Reach the functioning of the session of the answer by the secretariat, what is the need...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Iya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

What is the need replacing of the word 'provided' with the word 'ensured', I would have thought the word 'provided' is a better word than 'ensured'. Why you change it? I don't see why you change it to 'provided'? Don't just simply change, you know, what is already in the...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*baik, satu-satu dulu, Yang Mulia. Ya, itu satu-satu dulu, jadi*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Ya satu

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Ok, let's discuss that point one, the functioning of association shall be ensured by the secretariat, Your Excellency suggests that it shall... sha... shall be provided by the secretariat.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*Ya, ok...*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Ok.

**MR. ARIFIN ZAKARIA (CHAIRPERSON)**

Ya, ok...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Yes, *iya bisa*. 'ensured' will be replaced or re-replaced by 'provided'  
*ya, langsung dihapus saja*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*aa nomer tiga.*

Now, number three.

*sekarang pasal 22 poin 3.*

Objective of the host secretariat is to assist the member organizing the next congress, in the event that the permanent secretariat is unable to perform its function the host secretariat, may aa, minister thus function upon decision of the presidency, you see you change your word from 'objective' to 'function'

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

the primary function

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*mana satu*, which one do you choose?, who is drafting this? Don't just draft law like this. Function or objective must be consistent.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*ya kalau gitu kita gunakan "function."*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*saya...*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Ok, then let's just use 'function'.  
the word primary function

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*supaya konsisten dengan yang dibelakangnya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*ya, iya*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

the primary function

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Alright, thank you.

Then four, the primary objective again, is it the primary objective of the permanent secretary? Secretary or primary function?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

The primary function

**MR. ARIFIN ZAKARIA (MALAYSIA)**

If you want to be consistent, use the word 'function'

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*ya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

If you want to be consistent, use the word 'function'

Alright, thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*ya, iya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

and then fine, this is more on the more problematic...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*itu, sebentar Yang Mulia, diganti*

Please hold, please hold Your Excellency, we have to change, we have to make changes, the primary function and the number four, what about number five? Please go ahead..

**MR. ARIFIN ZAKARIA (MALAYSIA)**

Number five, structure.. aa this is more problematic to me, structure constitution and \*unclear\* ongoing objective under primary objective stipulated in item four or the present article, location as well as hosts... what is this.. location as well as hosts of funding of permanent secretariat shall be determined by decision of the board of members, the permanent secretariat shall be accountable to the board of members, at the moment... there is a sound like...the statute... at the moment, do you need 'at the moment'? and then the permanent secretariat shall be \*UNCLEAR voices\* in the following configuration. This is like a computer words... drafting.. what is the intention? I just want to get clear of the.. secr.. whoever draft... the secretariat who is responsible... the working secretariat.. What is the intention of this? Can you explain Mr. Chairman?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Iya, iya.* So that it is important for us to use legal term, do you have an objection Your Excellency? This is not legal term?

**MR. ARIFIN ZAKARIA (MALAYSIA)**

If possible, can we delete the word 'at the moment of establishment'?

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Langsung* the permanent?  
Go straight to the permanent?

**MR. ARIFIN ZAKARIA (MALAYSIA)**

And then... *tariat*... should be a joint permanent secretariat composing of..

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

In the following...

**MR. ARIFIN ZAKARIA (MALAYSIA)**

No... no, composing of...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

composing of...ummm



**MR. ARIFIN ZAKARIA (MALAYSIA)**

The secretariat for complaining blablabla

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*coba-coba ditulis itu, try dulu try...*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*Cuba dulu... 'comprising of' or 'composed of' the following?*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

composed

**MR. ARIFIN ZAKARIA (MALAYSIA)**

composed of the following, composed must be delete.. composed of the following  
... ed yes, thank you. Composed of the following

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

composed of *titik dua ya itu ya*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

*titik dua, iya ya.. the following. Then you have the secretariat planning...*

**MR. ARIEF HIDAYAT (CHAIRMAN)**

The following *juga hilang itu*, composed of

**MR. ARIFIN ZAKARIA (MALAYSIA)**

And then this part of the permanent secretariat shall be organized, organizationally independent of each other. That one I have strong objection, we are one organization, how could it be you know one acting independently of the other then we would be.. we will have problem you know... at the end, isn't it?

**Mr. ARIFIN ZAKARIA (MALAYSIA)**

Acting independently, just take it out those words. Despite of the permanent secretariat shall be organ, organizationally independently, which other, with the respect. I think um... will not do any group to the association, and such. Let it be there. Just delete "despite of the words", this, this, this whole sentence we deleted. The one in yellow.

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

*Yak yak yak. Saya juga setuju.*

I also agree. So, it is like this. There is a need to evaluate this um... permanent secretariat first, to evaluate the three secretariats. First, how they run, but ya, I agree that I, I do not, I do not, also I do not like the term permanent, because permanent means that it is, it could not be coordinated by the President. Permanent. So, if we can erase the sentence in yellow. Can we agree to erase? Mr. Palguna?

**Mr. I DEWA GEDE PALGUNA (INDONESIA)**

I agree, I agree to erase. At the moment, yes, I agree. The permanent secretariat and composed of the following. And that is a firm, that is a firm sentence. I agree. And other issue point out by Your Excellency Zakaria. This part of the permanent secretariat shall be organizationally. Ya, I think this might provide an impression that we are separated and we are not one, but if we can perhaps use structurally independent. What do you think Your Excellency? Shall be structurally, structurally independent?

*Mungkin berbeda.*

*Jadi secara struktural dia independen. Apa apakah itu?*

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

*Tapi kalau secara struktur.*

But, it is not structurally independent. In the statute, power lies on BOMM, board of members, executive power on the President. And the President has a permanent secretariat which is the whole secretariat, attach to the President. And the whole secretariat, sorry, the permanent secretariat are assisting this whole secretariat. If we are organizationally, or structurally independent, this does not serve our purpose, or perhaps the next proposal is to... but let us ask, let us again review the intention, what is the intention of this sentence. If this sentence bares no intention at all, then I agree with Excellency Zakaria, that we just erase this sentence. Afghanistan?

**Mr. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

Actually, in the working group, there are a number of people who oppose to put at the moment of establishment, because it also conveys in our understandings in

negative connotation, if I can exemplify to a very simple example. The group says at the time of the marriage to the bride, that I am going to divorce it soon. So, in my understanding it conveys the message like that. So, that is not required to be, you know, placed there. And the following, I do agree that it makes sense, it is better than the previous one, and compose of the following. That is perfect. This part of the permanent secretariat shall be organizationally independent from each other. The purpose maybe we cannot, we cannot reflect it here properly. We do need, you know, some kind of improvements. The purpose is these three units should work within their objectives, so that to prevent overlap among three units. So, the intention is this one. If, if, if there is any kind of fractions that should be brought, I think it is very good for improvement. It can be always said that this part of permanent secretariat shall be, shall function within their objectives framework of the objectives. Something like that. Thank you.

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

*Oh begitu, yak. Ini usulan yang bisa...*

that is a good proposal I think. So, it is not independent, but they have their functions and they will oversee what they are mandated. Is that like that? Your Excellency Zakaria?

I quite agree with the proposal by Afghanistan, but I think we do not need the word despite of the permanent secretariat, can go direct. The permanent secretariat shall be, shall be, shall function within, um... what is it just now? Within? Its organizational framework.

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

According to its functions.

**Mr. ARIFIN ZAKARIA (MALAYSIA)**

That is okay. That is fine. Just get the correct word then.

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

*Ya baik, kita eksekusi.*

Alright, let's change that. At the moment, please erase, at the moment of establishment. Just erase it all the way. At the moment of establishment. The yellow part and then..

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

...straight to the Permanent Secretariat and joint Permanent Secretariat composed of the following. The proposal of the Afghanistan, perhaps you can repeat? *'The permanent secretariat shall function within its organizational objectives.'*

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

'...has the objective to do Research and Development', the other part 'human resources development' and the other part 'planning and coordination.' The intention is to prevent overlapping between the three parts. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Yes, this is just to prevent overlap right? Not independent from each other. Let's make correction, *'shall be...*

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

'...shall function within its organizational objectives.' Within its respective organizational objectives. All right? They are given respective objectives.

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

Shall we return this sentence? But I think, we don't need this sentence at all. I mean, it's really obvious that this subsection of Permanent Secretariat shall function within their respective organization. So we also enumerate, explain the objectives their organizational duties in the following provisions of the Statute. So, I think we don't need this sentence.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Point 1, 2, and 3 have actually explained each functions.

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

Of course they shall function within their respective organizational objectives. So you don't need to say it expressly.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

So do you think the three sub-points, the Secretariat for Planning and Coordination to be situated in the Republic of Indonesia already reiterate its function as well as in Turkey and Korea already reiterating their function, so we don't need this sentence? What do you think? We do not need this sentence, let just erase this. His Excellency Zakaria, can we erase this? Can we? Afghanistan?

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

If we want to -- not to make it very worthy on that amendment is better to develop.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

We are not reducing anything if we erase this, right? Because it does not eliminate any Article because the functions are ready elucidated there on the subsection in the above section, right? Let's just erase that. Erase that. Delete. Can we agree on that?

And then, point 6. Excellency Zakaria, we still have six and seven. Five. That should be a full stop. Turkey full stop? Please put full stop. Indonesia comma Korea comma and Turkey, full stop.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

Mr. Chairman, in my humble opinion precedence number six, *'the President of Association should execute the overall direction.'* This, I've got a problem with the word 'execute'. Because what I thought is the draftsman was thinking of is to overall oversee, just to oversee. The function of the Chairman is in oversight. So, I think the word *'shall oversee the overall direction'*, that would be a better word than execute. Because, the Chairman does not execute anything, but you oversee

the overall direction of the Secretariat of the Association, which includes the Permanent and the Host Secretariat.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Okay. I agree, because the Chairman doesn't execute alone. Let's just erase '*execute*', replaced by '*oversee*.' Yes, so that it's consistent.

Point seven: the Host Secretariat and Permanent Secretary shall maintain informational exchange. Any comments, objections? Agreed? If none for Article 22, the amendment can be adopted before I knock my gavel. Is there any more comment? If none, then I thank you all for your consent, for your agreement, Members of AAAC of the approval of amendment of Article 22. Thank you.

**MR. I DEWA GEDE PALGUNA (INDONESIA)**

**CONSTITUTIONAL COURT JUDGE**

I need to convey to you that at the beginning of the meeting, the Members of AACC from Azerbaijan has not taken part in the meeting because they have to leave Bali, Indonesia because they have their internal activities in Azerbaijan. So, in the final meeting those who are not present is Azerbaijan, Pakistan, and Uzbekistan.

And now, the next item, we are going to discuss based on the spirit of togetherness, I would like to all the decisions to be based on consensus. I hope that with this, we can appoint one of the Members Country to become the President for 2016-2018. So, on this occasion I would like to ask your comment and also willingness and who is the Members Country that we will request to become of the President of Association for 2016-2018. I would like to hear your views on this matter. The President of AACC for the period of 2016-2018. I invite Russia, first of all. No? Okay, Russia, no.

Mongolia, please go ahead.

**MR. JANTSAN NAVAANPERENLEI (MONGOLIA)**

**HEAD OF DELEGATION/ACTING CHAIRMAN**

We agree that the office for the Permanent Secretariat will be in Jakarta. We also agree that Indonesia will responsible for the Planning and Coordination, and because of that we can conclude that the Constitutional Court will be responsible for the organization of the Association. And in this Congress, it is clear that Indonesia is competent in holding or taking care of the organization.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

There is a proposal from Mongolia, so that Indonesia continues with this. I will give the others the opportunity first of all. If there is no-one who is willing to become the President for 2016-2018, then Indonesia is the final choice if there is none. But if there is, then we will give the opportunity to other countries to become the President of AACC for 2016-2018. That is all I can convey here.

In line with what the Indonesian delegation, we are in the position that we have to be the last choice. If there are other choices, we would invite you. What do you think, Your Excellencies? Korea, please.

**MR. HAN CHUL PARK**

**PRESIDENT/HEAD OF DELEGATION**

First of all, I think that the decision on who is going to be the next President is one of the top issues to be decided during this meeting of the 3rd Congress. So far we have three Congresses, which have been very successful. And my position is that we need to involve as many members as possible to be the Term President so that we can get together to discuss common issues to the development of the Asian regions, including democracy and rule of law and the protection of human rights.

So far the Korean Constitutional Court has been the first President of the inaugural Congress, and followed by Turkey's Constitutional Court and the Indonesian Court after that. And I think the main reason among others for not having a candidate for the next President at the moment is probably because of the financial burden. So as an option to reduce the financial burden of the potential Term Presidency would be to have each delegations pay for their own participation. So my suggestion is, in principle, we discuss whether we are going for the direction of having the members pay for their own participation including flights and accommodation, whereas we need to also explore ways to financially assist those countries which cannot afford participation. So I would like you to.. I'd like to invite you to discuss this matter so that we can see if there could be any candidates for the next Presidency based upon that discussion.

So I would like to kindly request Honorable Chief Justice Arief Hidayat to have a chance to listen to the opinions of the members participating in this Congress. And then, we can discuss whether there will be a candidate.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Thank you very much. There is a proposal from Korea.

First of all, of course there are certain problems for those who will hold the next Congress because due to financially or other matters. And because of that, this Association should consider ways so that we give the opportunity to the such

member countries to participate to become President of the Association but with the consequence that we should do it together. There should be contribution to the countries that is willing to be the President in terms of holding the Congress and other activities, and for that this can be discussed together but so far such...

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

Things related to the participant and the board of member meeting are already financed by their own institution, by their own constitutional courts and then the president where the congress is held they prepare all the hospitality during the congress, now can we ever consider, I give a contribution for example the hospitality can be financed by each member of the association beside the transport and if this possible then it will lessen the burden, lessen the burden of the organisers of the congress and the future board of member meeting then we can give the broadest opportunity to the members of AACC to become the venue where the congress and the board of member meeting will take place. and yesterday actually we were more toward the request that has been stated if I am not mistaken Turkey, we have ask Mr Ariefin Zakaria but then again let's discuss this matter by the idea that has been already stated by Mr Park, the President from Korea, any comment or respond? Pak Arifien Zakaria. Please go ahead Mr Ariefin Zakaria.

**MR ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/HEAD OF DELEGATION**

Mr Chairman. Malaysia on our part deeply honour to say the least being offer to take over the Chairmanship of these organisation or association, the only thing that as I mentioned in our private discussion the financial constrain because of the economic downturn in Malaysia at the moment so financial constrain in the sense that we have to get budget from the government to funding from the government so there might be some. It's been cutting all across the board the government has cut funding across the board including travel, entertainment and so forth and the government servant as well as for judges and minister so that is the constrain but if the economic improve in next year. The oil prices and so forth the commodity prices goes up of course we can afford it, they will no problem this is the only thing that and the looking what has been the given by the host country in the past like Turkey or Korea, started with Korea, Turkey and now Indonesia. We always have these splendid entertainment, splendid you know organisational organisation and so forth. So short of scare us to accept immediately because the expenses that you have to put is tremendous. I am quite sure it tremendous, Turkey let say we went even to for holiday after our meeting, Korea likewise, its all very expensive and the I don't think we can make what you make, all three of you have done. That the first thing I must express our reservation and so then when you come over to Malaysia if we accept these we nominated and we accept



it the chairmanship of the presidency of these association you will not be surprise or shock by what we can offer maybe much lesser than these, not as luxurious as we have in Bali here and much smaller scale probably 3 star hotel so if you can agree with that I have no problem (laugh) so thank you Mr Chairman.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik yang mulia, prinsip itu sebetulnya.* The principle is actually that what is conducted by Korea, what is conducted by Turkey and what has been done by Indonesia. All is not, it doesn't mean that the next president must be like that we do not have to scare you like that what is done by Indonesia, by Turkey and what has been conducted by Korea is all because we have a very honourable guess and we would like to give the best facilities and entertain, the best entertainment for you, that is all that is what we meant and so on this occasion. I think in principle we can for example whoever is willing, whoever is able and this is our voluntariness so is not others that we need to be afraid of or whatever so any other views? Malaysia is actually willing but they waiting economic situation that is improving because is like this because if you push or pressure them to accept and then is not to compare to what Turkey Korea has given but they also very uncomfortable if they cannot give the best to their guess, distinguished guess right? Your Excellency so are there any views from the others?

If not then, what it we put it like this, lets, let us extend, that Indonesia extend but in 2017 not into 2108, 2017 we will invite the board of members to hold another meeting to decide to the next president if we can agree on that we will extend for one more year, and then on, around August we'll invite you again board of members too hold another meeting, which was supposed to be done, to get the way to congress but that would not be a congress its just a meeting for the board of members because, um, last year we also invited in Jakarta, um, the member of the board to discuss and to decide about things that we needed to discuss at that time. If we can agree on that then we will see you again next year, and hopefully by next year Malaysia is already willing to accept the presidency and economy is better.

If we can approve, agree on that and, it is our mandate to be accept, to accept, to extend to one year may be we have no problem if you want to extend until 2018, but provided that we all agree on that. So this is the last resort, last resort, um, any proposal otherwise is very much welcome and we will support whoever that is for 2016 - 2018 if there is one.

Any comment?

Silence means golden or silence means approval or.., Professor Arslan, Turkey? Go ahead excellency.

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

I agree with the proposal of Mr Park, the President of Korean Constitutional Court I mean each members may meet its own expenses, I mean including accommodation and other expenses during the congress, but I suggest that Mr Zakaria wouldn't be afraid of financial station because of the participants of the AACC meetings, it short certainly contribute to the economy of Malaysia. So I strongly suggesting that to, to take the responsibility of next presidency of AACC, yes we can, we can um.. accept the proposal that each members may meets is on accommodation expenses, that this one solution.

Another solution might be to increase, um, the, the term of, term presidency, I mean we may increase from 2 years to 3 or 4 years so this might be another solution to the problem. Thank you.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik.* So once again, Turkey is proposing, Excellency Zakaria to take the presidency, Afghanistan?

**MR KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

Mr Chairman, the membership of Afghanistan commission, for contribution of oversight and the association has been, given the statute, all the condition that were written, was presented the cabinet meeting of, in Afghanistan, and that a prove that way. So if any kind of changes in the financial arena, Afghanistan needs to review it again and to goes to that certain procedures which needs the approval of the cabinet and that, president of the country.

So given this situation Afghanistan and also the other logic that we are also placing a very new mechanism to increase the functionality of, of AACC, which is the new joint secretariat, which is a new mechanism, so what we think is that given the institution memory, that exist in Indonesia and the experiences that exist already in Indonesia let's not separate the presidency for, for one more term, ,or at least one year as proposed, because there would be a vacuum of information and we will face problem in the functionality of joint secretariat. So given this 2 logics at least from our side, we will go to the second proposal offered by his excellency the Chairman of Constitutional court of Turkey, thank you.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik*, eh, baik. Any more, any more views? Russia, go ahead.

**MR GADIS GADZHIEV (RUSSIA)**

**JUDGE/HEAD OF DELEGATION**

Just a short comment, I think it is it would be very good proposal from Korea, we are in full support of such proposal what was mention by Arief Hidayat, Excellency Arief Hidayat I think it's very, and I also agree with the proposal from other colleague. I would like to reiterate that there is no.. not anyone here was born *inversai*. So even though in Malaysia the hotel might not be as good as what we have in Bali, the interest of our organization will not be lessen just only because of that.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

Anything else? Tajikistan?

**MR MAHKAM MAHMUDZODA (TAJIKISTAN)**

**PRESIDENT/HEAD OF DELEGATION**

Excellency, Mr Chairman. The day before yesterday there were two proposal with regards to the President of the association. Ehm the Excellency Professor Arief Hidayat, the President of Constitutional Court to extend, and the second proposal is for the Malaysian President, Professor Zakaria.. ehm Execellency Zakaria. My stand is that we have determine a permanent secretariat in Indonesia and Korea. That was the first decision and this will relate also on the financial resources and economic condition and Mr Zakaria has mentioned that currently Malaysia is perhaps in affective or perhaps it is not effective in the Malaysia to hold function like this and so what we have here is Professor Arief Hidayat again from the Constitutional Court of Republic of Indonesia to extent for the next two years. Thats my position, that our stand from Afghanistan.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

Anymore view? If perhaps Excellency Zakaria is okay with accepting our proposal, we can agree or do you want some more time? Required some more time? We can. Then, I personally also have discuss with Excellency Zakaria on this, but if we want to extend for another year and after that we will invite the Board Members to hold another meeting, I.. we do not mind. Ehm we will see how it goes after one year or the third proposal, we contribute for the next congress. There is an objection from Afghanistan to contribute financially, because Afghanistan needs to go to a lengthy procedure to change, ehm the financial support of contribution for

this

association.

Or we can extend one year.. we can adopt the extension for one year. We'll take the mandate. Then, we will conduct a Board of Members meeting in 2017 around August. Because prior to August, I have to some.. we have to do some trials with regards to general election and regional election in Indonesia. Any views?

Ehm.. Excellency Zakaria, your mic is on.

**MR ARIFIN ZAKARIA (MALAYSIA)**  
**CHIEF JUSTICE/HEAD OF DELEGATION**

Ya, advice eh.. General consensus eh view of the association that Malaysia should take up the residency then of course we.. I obliged to do so. Of course with the constrain I've just mentioned. So I.. I.. I re..I.. I really leave it to the.. associ.. members of the association to decide. If it is divided, then leave it to Jakarta.. to Indonesia. If you all agree to come to Malaysia, then you're welcome (laugh). Thank you.

**MR ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

(laugh) *Atau supaya anu karena kita harus mengingat wak..*

Considering that we have limited time, I still have to rep.. convey my report on my term. And after that we have to sign and finalize the Bali Declaration. And we still have the closing ceremony for the congress and then later on in the evening, we will have gala dinner. We still have several events that we need to go through. In that case, let me just ask one by one or vote or comment. From Afghanistan? In alphabetical order. Afghanistan? Do you agree for Malaysia to take the term or should Indonesia extend for one year or directly taken over by Malaysia? And we provide opportunity for Malaysia to take the Presidential term for 2016-2018. Afghanistan.

**MR KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**  
**SECRETARY GENERAL**

E.. Thank you very much. The.. there is kind of lack of clarity if Malaysia can take the term with the same conditions that was taken before by..

**MR ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*E.. Malaysia tadi sudah disampaikan oleh ya..*  
Malaysia, the Excellency has already expressed that...

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

If all members' consent that Malaysia should take over then Malaysia will take that, is obliged.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

Okay, with the same condition we are agree. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

Well, this is the issue, em, because Afghanistan has concern if the condition is different than from now, meaning that if there's a contribution that should be made by Afghanistan, they have to go through a lengthy procedure going to the government to get the government consent, not like us, so they have to, like we all do, we have to speak with the executive, and other institution.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

Change meaning that Afghanistan is the party should pay or cover the budget itself, I think we cannot go for it, so we will go for the choice that we had before, most of the choice, that last choice is very fruitful and it becomes the first choice, Indonesia an extension, thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

Hahaha..Yak. Indonesia does not need to give its opinion, if Malaysia is willing, Indonesia is very grateful. Kyrgyzstan. Kazakhstan, Kyrgyzstan? Kazakhstan, please.

**MR. IGOR ROGOV (KAZAKHSTAN)**

**CHAIRMAN / HEAD OF DELEGATION**

I think we need to support Malaysia, but if the economic somehow, somewhat changes then we, same if, same as the condition with Afghanistan, if er, if, if, there's a, a different on financial resources we stick to Indonesia.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

Korea.

**MR. HAN CHUL PARK (KOREA)**

**PRESIDENT/ HEAD OF DELEGATION**

I agree with the Indonesian opinion. But I prefer Malaysian court will host er, next congress.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

*Baik, itu yang di pojok.*

**MR. HAN CHUL PARK (KOREA)**

**PRESIDENT/ HEAD OF DELEGATION**

My first thought, my first suggestion is to have a...to give the opportunity to the Malaysian court to be the next president because Malaysian Supreme Court is very capable and can do that in a very successful way but in this, my second suggestion is to ehm, eh, give the opportunity to the Indonesian court ehm, to be the next president, if the Malaysian court cannot eh, stick to continue, eh, current condition of participation for all the members, thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

*Baik, Kyrgyzstan?*

**MR. ERKINBEK MAMYROV (KYRGYZ)**

**CHAIRMAN / HEAD OF DELEGATION**

Excellency, Mr. Chairman, the President from Malaysia has suggested that they eh, they are willing but considering the economic factors, they're not sure of their willingness, so I suggest that Indonesia shall extend its presidential term for one more year and I do hope that next year, Malaysia will have the capacity to act as president, thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

Malaysia last. Mongolia.

**MR. JANTSAN NAVAANPERENLEI (MONGOLIA)**

**ACTING CHAIRMAN / HEAD OF DELEGATION**

I, from the very beginning, have expressed clearly, my opinion, because it is true that the secretariat, the permanent secretariat, will be located in Jakarta. And if so, if Indonesia will see to oversee planning and coordination, I am in the opinion of that there is a strong ground for us to give Indonesia to extend as president. And, but of course, in the future, if any other country, if there's a better economic condition, in terms of financial terms, we will re-open this question in the future.

**MR. JANTSAN NAVAANPERENLEI (MONGOLIA)**

**ACTING CHAIRMAN / HEAD OF DELEGATION**

I feel that it's true that it will be better if Indonesia can extend its term for perhaps less than two years.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

Myanmar?

**MRS. HLA MYO NEW (MYANMAR)**

**MEMBER OF TRIBUNAL/ HEAD OF DELEGATION**

The financial burden again on Indonesia but the current situation in Indonesia constitutional court has already offer to extend one year to settle this problem and Malaysian offer is with the condition, so that er... I would like to support Indonesia to extend one year and then the Malaysia will continue the team. But however our forum whatever the decision with the consensus. Thank you, Excellency.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

Alright. Next, Philippines.

**MARIA LOURDES OLIVEROS (PHILIPPINES)**  
**CHIEF JUSTICE STAFF HEAD**

Thank you, your Mr. Chairman. Orders from my chief justice to convince there is strongly good friend Chief Justice of Malaysia to be the next term president. But given the circumstances availing in his country, we of course understand his consideration. And we will abide by the consensus. And we look forward the future presidency off the chief justice of Malaysia. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

*Baik. Russia?*

**GADIS GADZHIEV (RUSSIA)**  
**JUDGE / HEAD OF DELEGATION**

We really understand the situation that is faced by our colleague in Malaysia. We would be very happy and would welcome it if the chair chief or the presidency will be helped, then. But the offer that is given now is both good and.... We leave it up to you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

Kazakhstan?  
Tajikistan?

**MR. MAHKAM MAHMUDZODA (TAJIKISTAN)**

**PRESIDENT/ HEAD OF DELEGATION**

We have also propose that at this time perhaps it is best if this association is still chaired by the Constitutional Court of The Republic of Indonesia. Perhaps, in the next year Malaysia will be prepared and then we will come back to this question.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

Thailand?



**MR. NURAK MARPRANEET (THAILAND)**

**PRESIDENT/ HEAD OF DELEGATION**

Malaysia, except to be the president i think the best.... But... If Malaysia not...  
Er....accept that, i think Indonesia could be extend president.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

Turkey?

**MR. ZUHTU ARSLAN (TURKEY)**

**PRESIDENT/ HEAD OF DELEGATION**

I vote for Malaysia, but in this case i will agree with the view of majority of the  
people. And i would congratulate once again the presidency of the new term  
presidency of Indonesian Constitutional Court. Thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

*Kita belum memutus ini.* We have not decided yet. Malaysia, what do you say? The  
situation, everybody wants Malaysia actually, but if you have objection, perhaps  
for one year then the next year we will have another meeting we will evaluate.  
And after one year we are hoping that Malaysia is prepared to become the  
president of the association,

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE /HEAD OF DELEGATION**

I think that was a brilliant idea, give us the break for one year at least then we will  
reconsider the position and then of course coupled with the position  
that Indonesia is going to be the permanent chairman of important aspect of the  
organization. It's not wise also to have let Indonesia continue for another year,  
then we take a break from there. So.... I think we go along with that. Thank you  
very much. Congratulation Indonesia.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/ CHAIRPERSON**

*Baik kalau begitu. Ada lagi?* Anything more to be said? If there is nothing more,  
does everybody agree that Indonesia is not elected again but to continue, to be  
chosen again. But this is to continue because, temporarily we are....given the task

by Malaysia to continue with this presidency. And... In one year, in August, we are going to conduct a board of members meeting. Do you all agree?

Ok, everybody has agreed. So, our decision, and what we have decided is not against the statute as has been stated yesterday by...

Just now we have already agreed, that we will not be for two years, but, we have agreed that we are going to conduct an evaluation and the board of members meeting which will be held in Jakarta or in Solo. The request from the President of Republic of Indonesia should not be in Bali but in Solo, so the Board of Members Meeting will be in Solo. It is the hometown of the President Joko Widodo. So if you...please give a big applause and I will accept your trust, your mandate, and we will agree for just one year, to be evaluated. And please Your Excellency *Bapak* Zakaria to take over in August 2017, thank you.

*Umm... masih ada dua agenda...*

We have two more agendas, the working report of A... President of AACC, and the Bali Declaration, but.... do you want to have a break first or we just continue?

We'll have a break for 10 minutes. Okay, meeting is adjourn for 10 minutes.

**MR. ARIEF HIDAYAT**  
**PRESIDENT OF ASSOCIATION OF ASIAN CONSTITUTIONAL COURT AND EQUIVALENT INSTITUTIONS**

Excellencies, head of delegation and delegates that I fully respect. We will, we are now proceed with our meeting and I'm going to report on my term as President of AACC from 2014-2016.

Good afternoon. Blessing to us all. Assalamualaikum Wr. Wb. Excellency, the head and president of the constitutional court and equivalent institutions. Your honorable delegation, board of members meeting of association of Asian constitutional court and equivalent institutions, distinguished ladies and gentlemen. on this very good occasion, allow me to deliver my work report during the leadership of the constitutional court of the republic of Indonesia as the president of the Association of Asian constitutional court and equivalent institutions starting as of May 2014 as has been regulated in article 16 to alphabet C association statute. This report contains number one, on the membership. Two, on the activities. Three, on the meeting of secretary general, both of members meeting and congress and also visits, finance and recommendation for the strengthening and development of AACC.

1. On the Membership.

The association of the constitution court and the equivalent institution in Asia was declared on the July 12, 2010 based on the Jakarta Declaration. At that time the members of association was only 7 states that is Indonesia, Korea, Malaysia, Mongolia, the Philippine, Thailand and Uzbekistan. When the Indonesian constitution court led the AACC for the period of 2014-2016, the number of AACC was 14 countries. During that period, there were 2 additional countries that was accepted as officially as the member countries of AACC that is Kyrgyzstan and Myanmar. And thus, at this time the number of members of AACC is 16 countries, namely Indonesia, the Republic of Korea, Malaysia, Mongolia, the Philippine, Thailand, Uzbekistan, Russia, Tajikistan, Turkey, Azerbaijan, Pakistan, Afghanistan, Kazakhstan, Myanmar and finally Kirgizstan.

2. Activities.

The cooperation that was conducted among the member countries of ACC has given very big benefit for exchanges of information and experience for its members. This is realized from many activities organized such as summer courses, short courses, study program, internship and international conferences and symposium that was held by the member countries of AACC.

A.) Summer school, short course and Internship. The activity that was conducted by the members countries of AACC for the other members of AACC was very beneficial to strengthen the supporting resources of the constitutional court and its other equivalent institution. Besides, exchange of information on the structure of authority of each constitution court such as study program, internship in the constitution court of Korea, Russia and the theme that was discussed in several summer courses and short course was very specific thus can add the knowledge for its participants. For example, in relation to the protection of freedom of expression, association and assembly that was conducted during the summer school by the Constitution Court of Turkey and mechanism and conducting constitutional authority in a short course by the Constitution Court of Republic of Indonesia. These activities is very supportive for the execution of authority of the constitution court and with these activities in a regular way and as a part of the program of AACC and thus it will make it stronger and function felt the benefits of the existence of AACC for the member countries.

B.) International conference and symposium. The member countries of AACC also held conference and international symposium that invited members of AACC and other countries. Such activities could be a forum for exchange of ideas and thoughts for the constitution judges, justices and other participants such as the one that was held in Turkey, Indonesia, Kazakhstan, Tajikistan, Uzbekistan, Russia and Malaysia. As a member of the AACC, it also uses the momentum in commemoration on the establishment of constitution court and equivalent institution to hold conferences, a scientific conferences and international symposium.

3. In relation to the meeting of the secretary general, both of member meeting and congress for the period of 2014-2016, they have conducted... a strengthen the

function of the secretariat of AACC to support the many activities and program of AACC and also to smooth the coordination and information sharing among the members of AACC, one of the efforts that has been conducted is holding the meeting of Secretary Generals where... so far has been conducted in Jakarta. During the leadership of Indonesia it has... there have been four meetings of Secretary Generals meetings and has prepared so many materials that is then decided in the board of members meeting among others the formation of the Permanent Secretariat the amendment statute amendment and also plans to expand cooperation and others and next for the board of members meeting there has been agreement to strengthen the secretariat of AACC to support all activities of AACC by forming a Joint Permanent Secretariat in Indonesia and Korea and also a centre of training, I repeat centre of training and human resource development in Turkey and with the strengthening of the secretariat I am convinced that the journey of AACC forward will be better especially in relation to coordination, development, and also research result that will be very useful and beneficial by the members of AACC. The activity of the 3rd Congress of the AACC that is held from the 11th to 12th of August 2016 with the theme "The promotion and protection of Citizen Constitutional Rights" which is attended by fourteen member countries of AACC and several invited countries as well as other academicians. I hope that it will further strengthen the commitment of the member countries of AACC to further advance and protect the constitutional rights of its citizens.

and number 4, visits during the leadership as President of AACC 2014-2016, myself and the secretary general has also conducted official visits to nearly all the member countries of AACC, we have conducted this to strengthen the function of AACC as has been stated in the statute that is to support efforts to maintain ... regular contact among the members in terms of multilateral of its membership in AACC. This is very important to conduct by... its leader and as President of AACC, I have also attended invitation that was sent by the Association of Constitutional Courts from other countries for example to become presenter at Georgia to exchange information experience among AACC and themes and others specific themes, the president.. President of the president and the representation from AACC from this international forum will add legitimation and also the influence of AACC especially in hoping cooperation with other organisation that is related with constitutional issues in this context AACC has communicated intensely in Conference of Constitutional Justice of Africa to conduct cooperation including the preparation of memorandum... the draft of memorandum of understanding and next the President of AACC also attended the meeting of the Bureau of the World Conference of Constitutional Justice in Venice, Italy, to prepare the organisation of the World Conference of Constitutional Justice in Lithuania, several results of this meeting has been presented during the meeting of the secretary generals of AACC and initial board of members meeting so that all the members of AACC is informed and follows the development with related plans of the holding of the World of Constitutional Justice Finance, during the leadership Constitutional Court of Republic of Indonesia, Leadership AACC has not received any funds from other parties, all the organisation of all the activities of AACC such as the meeting of

Secretary Generals, the Board of Members Meeting, the 3rd Congress, Visits, and Administrative Function and Coordination Function use the funds from the constitutional court of Republic of Indonesia.

Recommendation: all type of activities of AACC and programs that is held by member countries of AACC has been successful and thus... there are several things that need to be improved to find to obtain the result...aim of AACC as has been stated in the statute.

One, that is the strengthening of the secretariat of AACC is when... is obligatory...is compulsory because the development all the programs and activities that is held by the member countries of AACC and thus the coordination is needed, intensive coordination is needed and so that there is no and overlapping of the time that is held and can be attended optimally by all the members of AACC and that goes the same goes for the need to form the secretariat to compile all the decision... important decision that is issued by the Constitutional Asia. And thus we can use as the comparative study, and exchange of information for the judges and justices in the Asia region. AACC has also, should also start thinking about the systematic steps, and also concrete contributions, so that they can achieve the objectives of the association, for the countries, the member countries as well as the Asia Region, in relation to the five points, that is the protection of human rights, the guarantee for democracy, the upholding of the law, independence of Constitutional Courts, and its Equivalent Institutions, and also cooperation and exchange of information and experience among its members. Three, AACC should still need to expand its network and cooperation with other organizations, especially for equivalent organization, including the CCJA that has included, has started with signing of the MOU. And next, AACC must be more` serious in inviting other countries in Asia to join to become members of AACC, so that they can be enriched with exchange of information and experience among the members.

4. Their needs for coordination, further coordination about many activities, that is held by the member countries of AACC. So that, they will not be overlapped, and their agenda, and schedule will be, will enable the AACC members to send their representation to follow, or take part in the program.

5. They need to discuss further about the mechanism and financial contribution from the member countries of AACC, as has been proposed by Korea and Turkey. And thus every old country will obtain the opportunity in the leadership of AACC, and also in holding activities, especially for the Board of Members Meeting and Congress of AACC. Finally, as a closing, thus is the work report in relation with the leadership of the Constitutional Court of Republic of Indonesia as President of AACC for the period of 2014-2016. Of course all the achievement that has been obtained this so far is because, is due to the active contribution, and positive, active role, and positive contribution for its members. And the success of, that has been achieved of AACC all this time is in effort that had been conducted by all the member countries of AACC. Without the support and cooperation, and the feeling

of solidarity among the AACC, the Constitutional Court of Republic of Indonesia would not be easy in conducting its role as the leader. For that, I would like to convey and express my thank you to all the countries that has given positive contribution toward the achievement of AACC all this time. And finally, I would like to say thank you and my highest appreciation to all the members of AACC, that has given the trust to not to be reelected but to continue to fill in the space of one year to become President of AACC, that aims to, so that, they will not be a vacuum and to also conduct the cooperative to get, for 2016-2018. Thank you. Wa alaikumsalam warahmatullahi wabarakatuh.

(clapping)

Excellencies, President of the Constitutional Court, Head of Delegation, Member of AACC,

The end of, after the end of this meeting, there are three documents that need to be signed by head of delegation. The first document is the amendment of the statute, particularly article 5 and article 22. And then, the signing of um... the statement to extent the presidential term for Indonesia as the President for AACC for another year. And then, the third document is Bali Declaration, which we are going to discuss now.

Ladies and Gentlemen, Head of Delegation, and Member of Delegation, Distinguished Ladies and Gentlemen,

There are two groups, actually the first, yesterday, when we discuss about the Bali Declaration um... in general, in principle, we have a great on most matters, but there are some other matters that need to, that need your decision, please put up on the monitor. The Bali Declaration please put up on the monitor.

Particularly point 3.3, paragraph 3.3, 3.3, until now to this point, even when we have tried consensus to achieve consensus, but...

### **MR. ARIEF HIDAYAT (INDONESIA)**

#### **CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

there are still two views, two contradicting views. The first is the view that agrees to the draft as stated on 3.3 but, one group has agreed to that and one group does not agree to that. And then there's alternative for point 3.3 to come up with the formula, an abstract formula meaning that it's a principle formula and does not incorporate any specificity or specific concrete cases, and what is on the bold or black wording.

And then the red wording accommodated by splitting that paragraph into two for communique only for those who agree in this forum. Because, there are countries that disagree on various reasons. So, let us again discuss this matter because we have not yet reached a consensus or an agreement. So the red wording, let's erase the red wording. The red wording is to be erased, but then the joint statement... do you have a joint statement? Can you put it up on the screen? Joint statement on

the Solidarity to Turkey, and under that joint statement there are three or four paragraphs under the joint statement. And whoever approves the joint statement, so this is the sentence:

*"The Head of Delegations and delegations from"*, and then we should mention the name of the country or the countries who approve to this joint statement. This is to be typed by the countries who are signing this joint statement. This part. So that's that. Now, I would like to begin the discussion by inviting the two groups. The first group is Turkey, and then followed by a different argument from Thailand. I'd like you to add an elucidation on that, perhaps so that the member of the meeting can obtain a better view from your argument. Turkey, the floor is yours, Excellency.

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATIONS/PRESIDENT**

Thank you, Mr. Chairman. At the first part of our meeting of Board of Members we proposed to put a sentence to the final declaration, Bali Declaration and the idea behind this proposal is the fact that AACC must be determine in its endeavour and its function of defending and promoting constitutional democracy against any kind of unconstitutional and anti-democratic attempts.

So it is one of our mission actually to promote the guarantee of democracy, it is clearly stated in the Statute of AACC when you look at the preamble and Article 3 of the Statute, you can see clearly that this is indicated as one of the main objectives of this Association. So, I think we must go with this proposal and we must first of all include the example of Turkey in the Bali Declaration, and I hope we can reach a consensus on this issue. Of course, we can work on the wording of this expression, we can change or replace some words that are not acceptable to some of our members, we can work on it. But when it comes to your alternative proposal, keeping the abstract expression of the sentences while also at the same time declaring a joint public statement condemning clearly what happened in Turkey, we would also agree on this proposal if we clearly indicate in the Bali Declaration that we as the Associations are against or deplore any kind of unconstitutional and undemocratic attempt to abolish legitimate constitutional order. Yes, we can put it in abstract terms in Bali Declaration that must be there, and we can also separately declare a joint statement clearly deploring or condemning the coup attempt -- failed coup attempt in Turkey. That is also acceptable for us, but I must say that this Association must be very determined in order to protect and promote democracy against any kind of unconstitutional and undemocratic attempts irrespective of what members or what country have faced such problems. Thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Thank you, Your Excellency. As I mentioned earlier that we are limited by time, because the Board of Members Meeting needs to be completed at 6 o'clock Bali time, and we have to close the Congress in the next room and at 7 PM we have Gala Dinner. We have to prepare ourselves because in accordance to what we have informed you, that Head of Delegation needs to change the outfit because there will be a photo session that will take place with delegates wearing *songket* or a traditional weaving cloth from Makassar -- one of the regions in Indonesia, to be worn by the Head of Delegation and we require time for that, to prepare ourselves. I invite the Philippines, the Head of Delegation.

**MRS. MARIA LOURDES OLIVEROS (THE PHILIPPINES)**

**CHIEF JUSTICE STAFF HEAD**

Thank you Mr. Chairman, we find the presentation of His Excellency the Chairman of Indonesia regarding the compromise fully acceptable as I have already discussed in the first meeting, with respect the original proposal with the insertion of a specific event that happened in the proposed wording by His Honor the Chief Justice of Turkey. We again cannot do a such thing without the permission of our Executive Department. In the Philippines, we have something called The Political Question Doctrine, which states that the judicial branch cannot act on matters in regard to which full discretionary authority has been granted to another department of the government -- in this case, the Executive Department with respect to foreign policy and statements on incidents that happened in foreign states.

We fully respect this boundary and should we do so, should we make any such declaration that in and of itself would be a violation of our Constitution. So, the position of the Philippines would be it cannot do so without violating our own fundamental law. So, for us the acceptable compromise given the lack of time would be the separate joint statement, which would declare the respective members support for Turkey, but the Philippines Supreme Court and Chief Justice sends her personal solidarity -- she cannot do so as Chief Justice, but she sends her personal solidarity and condolences to the Republic of Turkey and its Constitutional Court for the deaths that occurred in that recent tragedy. So our hands are tied, Mr. President and we must, yes, follow our own Constitution. Thank you very much.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Thank you. Next, Thailand.



**MR. NURAK MARPRANEET (THAILAND)**

**HEAD OF DELEGATION/PRESIDENT**

Let's talk to the opinion of the Constitutional Court of Turkey the prior 3.3 amendment. Before the drawn AACC Statute in 2010, we had the Jakarta Declaration. For the Jakarta declaration in 2005 is the spirit of Statute. The spirit of statute especially the Declaration of Jakarta, we declare that AACC is an independent and non-political forum for the Members of Constitutional Courts and Equivalent Institutions to extend experience and information and shared concerns on constitutional cases and jurisprudence for the promotion of the rule of law. So it isn't the spirit of AACC Statute. It does not concern this political issue and does not interfere the internal political issue in each member because we think that each member has the sovereignty and hold on the separation of powers among legislative, executive and judicial body. In terms of the Constitutional Court of the Kingdom of Thailand's opinion, we've consulted the Ministry of Foreign Affairs, so we have a decision.

We object to the statement for the amendment of Turkey, amendment in 3.3. Therefore, I think that if we separate the Bali Declaration and the other document, it's not concern AACC, it's better. Because I think apologize for the opinion of the Turkey Constitutional Court. I think it's better. Our opinion is like the Philippines. So we accept only in the first line is better line in the presentation. It's the only one. It's flexible. It's better. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Very well. Thank you. Is there any other views? From Malaysia, which has also proposed any developing view? Your Excellency.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

Yesterday we have expressed the view that we can agree to... We support Philippines and Thailand as far as the second sentence is concerned. The first sentence is a general statement, I think. It's highly acceptable. We have to sympathize with the stance taken by Philippines and also Thailand in the circumstances existing here. We have also to bear in mind that Indonesia, Malaysia are members of ASEAN countries or members of ASEAN. So we have to in a way support Thailand and have our sympathy with Thailand.

Thank you very much. Of course Turkey to support... my sympathies with the Turkish government, to the people of Turkey for what has transpired in Turkey. And we pray for the best. Of course, a separate statement will be acceptable to Malaysia. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Very well. Thank you. Is there any other views, Myanmar?

**MRS. HLA MYO NWE (MYANMAR)**

**HEAD OF DELEGATION/MEMBER OF TRIBUNAL**

We agree with the position of Thailand, Malaysia and Philippines. So, we are more convenient and it is acceptable for us if the separate document is issued. Thank you, Excellency.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Very well. Before other views, perhaps Turkey wants to add on something? Any additional comment, Turkey?

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

I was surprised to hear that Malaysian Chief of Justice changed his mind on the necessity of this sentence without the word of Turkey. Because if I am correct, he proposed to delete the word Turkey and keep the rest of the sentence, and this is also now my idea that we should keep this sentence without mentioning any concrete issue or any concrete name of a member country.

So otherwise we should also change our Statute, and I will propose to delete Article 3 of the Statute because in this case it will become a meaningless objective. Statute clearly says that one of the objectives of this Association is to promote the guarantee of democracy, and this is not a political objective. If it is political objective, it's right. I mean democracy itself is a political conception. You cannot escape from this fact because we are not an academic association; we are Constitutional and Supreme Courts and we are dealing with political issues as well. Do you think when it's commissioned...

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Political organization I am sure nobody would that say yes, Venice commission is a none political organisation but immediately after this event took place in Turkey. Venice commission declared the public statement and I am going to read it this public statement he said the President of the Venice commission said. I've strongly condemn the attempted coup d'Etat in Turkey. Any changes in the government must follow democratic channel so this is not political statement, this

is a statement of firm position in favour of democracy I mean if we agree on the necessity of democratic government so we must not refrain from expressing our clear position as to the protection of democracy against any kind of unconstitutional and undemocratic attempts. This very clear if is political yes it is political. So I think we must keep some expression, clearly indicating the necessity of protecting constitutional democracy against any kind of unconstitutional and undemocratic attempts. So there must be a clear expression in the Bali, in the final Bali declaration so we must show our position in this conceptual issue. I am not saying that Turkey must be there or any other members' states must be there, but on the ground of conception we must emphasis the important of protecting democracy. That is one of our mission according to the statue, thank you.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik.* Thank you, any other views? any other view you would like to convey. So it looks like that I would like to ask the President of Turkey if let us see again 3.3, let's read on 3.3, on the screen please, monitor. 3.3 this Turkey agree 3.3 will only stop at powers to be declare on Bali declaration stop at powers, because Thailand, Philippine, Myanmar and Malaysia, they see an objection on powers and then to have a separate statement, separate joint statement. This is what I can conclude from the comments and views, can we accept these or not? Just until powers and then as propose we will have separate joint statement on solidarity to Turkey.

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

I mean separate joint statement or press release is not the alternative to these sentence because Bali declaration very important for showing our position toward the protection of constitutional democracy but we may change the word of the second sentence and I may propose perhaps softer version of these sentence if you like. But we as the Turkey constitutional court insist introducing such kind of sentence in abstract and principle indicating the important of protecting constitutional democracy against any kind of dangers, emm causing bym causing by unconstitutional and undemocratic attempts actually. We don't mention here any coup d'Etat or any military intervention, we are generalising the unconstitutional and anti-democratic attempts. So I think for me, nothing is wrong with saying that unconstitutional and undemocratic attempts to abolished constitutional democracy is not acceptable, is it acceptable I mean ...

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Coba, coba di anu dirumuskan.* Can you please provide the sentence, the editorial the wording, your alternative sentence please, can you please suggest? The

wording in red please combine and then you can type underneath, type underneath way below 3-4 bring it lower. *Bagaimana yang mulia disampaikan. Silahkan yang mulia.*

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

I mean, we can, we can...

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

Go ahead your excellency

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Coming after constitutional order and to out throw legitimate government in the countries of the mem., eh, starting from AND

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Itu, itu..*

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

And, eh, until IN, so we can say that, we further deplore, no no no, yeah, I I will red it again,

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Ya, ya silahkan.*

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Furthermore we deplore

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Ditulis, ditulis*

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Deplore any unconstitutional or we are, we stand against, we may choose one of them if the condemn is, um, too heavy word. We deplore or stand against or we are against any unconstitutional and undemocratic attempts, um, aiming to abolish the constitutional order or constitutional democracy in the countries of the members of AACC.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Ya itu dikasih tanda.* Please give a mark there.

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Acceptable for all of us.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Jadi.* So, his Excellency the President of Turkey suggest the colour the words in blue, Malaysia any comments? We will start from Philippines first, oh I'm sorry, Thailand first, please go ahead your excellency.

**MR NURAK MARPRANEET (THAILAND)**

**PRESIDENT/HEAD OF DELEGATION**

Is okay Mr President, for to adding the three sentences last sentence, is the same meaning, I would like to, I have the question, it is the, the *political* issue or not? So you can see if, for the first them all we deplore an undemocratic attempt ending to abolish constitutional order, democracy in the countries of the member of AACC so it inconsistent too, a was statutes, in 2010, we had Jakarta Declaration.

Let me explain for personal order, we can look at bachelor dictionary we had the meaning, you see it. Is that meaning, you see it for the political issue. Why we try to interfere for, for its members. Because each members have sovereignty, thank you.

**MR ZÜHTÜ ARSLAN (TURKEY)**

**PRESIDENT/HEAD OF DELEGATION**

Shall we use constitutional democracy instead of order, if it, if the word order disturb some members? Constitutional democracy is a universal conception, so I think everybody agrees on it.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Ada pandangan? Eh, Malaysia? Oh, eh, Philippines.*

**MRS MARIA LOURDES OLIVEROS (PHILIPPINES)**

**CHIEF JUSTICE/HEAD OF DELEGATION**

Thank you Mr Chairman, this is acceptable to the Philippines, however eh, may be to ease the discomfort of some members, perhaps we can um, say instead of constitutional democracy, uh, unconstitutional and undemocratic attempts aiming to abolish the rule of law and democracy, and may be also following up on the earlier suggestion of the Chief Justice of Malaysia. Maybe we can, we can um, put period. Without even mentioning members of the AACC because I would think that we would also stand against any such attempts with respect to any country who is not the member of the AACC, there is just a suggestion. But the Philippines suggest if it may be this is something

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Berhenti di konstitutional democracy yeah?*

**MRS MARIA LOURDES OLIVEROS (PHILIPPINES)**

**CHIEF JUSTICE/HEAD OF DELEGATION**

Yes, this is something that we can uh, accept, thank you very much.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Dimana pun, yeah?*

**MRS MARIA LOURDES OLIVEROS (PHILIPPINES)**

**CHIEF JUSTICE/HEAD OF DELEGATION**

Wherever.

Okay.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

So give, please write it in yellow in the countries, this is a proposal from the Philippines, Malaysia?

**MR ARIFIN ZAKARIA (MALAYSIA)**

**CHIEF JUSTICE/HEAD OF DELEGATION**

I'll go along with the Philippines, instead of AACC we extend it to, in any country, constitutional democracy in any country.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

Ya.. Eh Thailand? *Mana?*

Thailand?

**MR NURAK MARPRANEET (THAILAND)**

**PRESIDENT/HEAD OF DELEGATION**

For the first line in the back line is cover.. is general.. is cover for democratic. As one of the guardian of constant democracy should be free from interfere by other plans of the *powers* is in general invisible.. is cover. So.. the thing for the fir.. first line is.. is the best because it covers for eve.. eve.. every state mem.. for this statement.

**MR ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE/CHAIRPERSON**

*Baik. Eh sebelum Myanmar ada Afgha..*

Before Myanmar, there was Afghanistan. Please go ahead.

**MR KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

Thank you very much Mr. Chairman. I think eh the.. the first paragraph is not similar to the sentence that has been offered recently because the first paragraph is; free from interference by other branches of the state powers. Other branches of the state branches or branch or branch of state power. I.. I believe does not attempt any eh.. eh.. kind of, you know, act to demolish constitution order. For Afghanistan, the a.. inclusion of a.. the recent proposal a.. is acceptable. We don't have any objection. Thank you.

**MR ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Baik. Eh.. kalau diubah begini Turki bagaimana?*

How about if we change it like this? Please go ahead, Mr. President.

**MR ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

Ehm to the change of constitutional democracy with the rule of law and democracy. Em.. Philippines proposal is acceptable for us. Because it is also a danger ehm to the rule of law.

**MR ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Dengan ditambahkan constitutional democracy and many country*

**MR MAHKAM MAHMUDZODA (TAJIKISTAN)**  
**PRESIDENT/HEAD OF DELEGATION**

So yeah maybe to the rule of law and democracy in any country is.. that.. that would be acceptable for us.

**MR ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Eh baik*

**MR ZÜHTÜ ARSLAN (TURKEY)**  
**PRESIDENT/HEAD OF DELEGATION**

And.. and in the first sentence by other branch of the state powers I think it must be *ephemeral* by other branches of the state powers. And I agree with ehm the delegates ehm Afghanistan, the second sentence doesn't follow the first one. But.. but we already say eh.. furthermore. So there might be two difference sentences in.. in a paragraph. So the second one doesn't contradict eh the first one. Although it doesn't compliment it exactly. Thank you.

**MR ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/CHAIRPERSON**

*Coba sekarang dirapihkan.*

Let's now clean this. We eliminate all the red. The colours in red and the rule of law in democracy. Just take it out of the bracket. Constitutional democracy in any country. Before we put it in black for the.. last time I still would like to ask the views of Thailand. I.. this is acceptable to you. I think this is still in an abstract limit and it does not refer to any concrete incident in any country. There is no tendency to direct to.. that would.. that would.. it was.. it is more neutral because the constitutional court in other countries or.. in terms of universally, this is what we need to dif.. protect.



**MR GADIS GADZHIEV (RUSSIA)**  
**JUDGE/HEAD OF DELEGATION**

The final option that is proposed by the constitutional court of Turkey is the variant that can be acceptable because in many countries the constitutional court including Afghanistan that is how the law is written and eh.. in majority they look at the issues of rights. And this is the objective, our ehm mutual objective to fight against all efforts to demolish or abolish eh law and order. That is why I think we should.. can give a full stop here and we can ha.. vote and then we can settle this matter.

**MR. ZUHTU ARSLAN (TURKEY)**

**PRESIDENT /HEAD OF DELEGATION**

I think, sorry Mr. Chairman, we have to choose one of these words, deplore or stand against, I think we should ehm, prefer deplore ya?

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHIEF JUSTICE /CHAIRPERSON**

*Yak, nanti kita pilih, nanti kita pilih.* Yes, we will choose.

We just wait for **Thailand**, we wait for them to study further, the documents, we still have time, we still have 15 minutes, and we will wait a little while more, around 5 minutes before they read the document carefully. *Atau stand againya di..* Or perhaps we can erase the delete, we can delete the “stand against”, first.

Bagaimana, Thailand? Thailand.

**MR. NURAK MARPRANEET (THAILAND)**

**PRESIDENT /HEAD OF DELEGATION**

If the number three part three, we have the whole sentence, like presentation, for Thai constitutional court, we apologize that, we cannot sign for Bali Declaration. Because declaration is the consensus. We have two opinions. But I think that if we take deplore in other document, it is our opinion. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/ CHAIRPERSON**

Indonesia, do you have any comment?

**MR. I DEWA GEDE PALGUNA (INDONESIA)**  
**CONSTITUTIONAL COURT JUSTICE**

With all due respect, Mr. President and all delegations, because of principal in AACC is to protect our solidarity, and at the same time also to protect constitutional...democracy constitutional, so I would like to propose another sentence that perhaps can be accepted by.... So furthermore, we deplore any attempts, any rules of law in any countries, so the word unconstitutional and undemocratic are erased. Even though they're erased, the meaning does not change. Furthermore, we would like to any attempt condemn-- deplore any attempt, so we still... We're still intact if...if Thailand can accept this. This is our proposal, thank you.

But, if the bitter choice because we want to prevent any dispute here, any argument, any different statement or separate statement from Bali declaration, for the sake of our togetherness and from AACC I propose such talent the word in green.... And er... I also need approval from Turkey as well...

There is no unconstitutional and undemocratic terminologies use here, but... Going directly to rule of law and democracy... Excellences... So the principal of consensus for AACC, we have to comprehend a declaration in my opinion requires a common ground. And therefore I have the tendency to postpone and try to accept more proposals for us to come up with the proposal that can be accepted by all members of AACC, because members of AACC are States. Any decision will be accountable...subject to accountability to the national government and this... it is different if our association is consist of individual members or non-state organization then we will be more flexible. So I do expect your understanding. I cannot force any immediate decision immediately. I also do not want that in this Bali Declaration there is agreement without consent. So we agree to disagree, we have to prevent that from happening. So we have to agree to agree, not agree to disagree. And if we disagree to agree meaning that we disagree. Thailand?

**MR. NURAK MARPRANEET (THAILAND)**

**PRESIDENT / HEAD OF DELEGTION**

We in this stand we try to... to do that to try to compromise too.... If in the green letter, we have the written furthermore we deplore any attempt ending to abolish the rule of law any country. The rule of law is mean the rule of law the principal of affidavit in UK, so we would like to delete "at democracy". It's okay?

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/ CHAIRPERSON**

*Eee.... rumusannya jadi gimana itu?*

So what would the sentence be? Also erasing the “democracy”? “The rule of law in any country”? Your Excellency, what would the sentence be, “the rule of law” and “democracy”p are erased... to be deleted? Is that correct?

**MR. NURAK MARPRANEET (THAILAND)**  
**PRESIDENT / HEAD OF DELEGATION**

Yeah, delete at 'democracy', because the political issue.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/ CHAIRPERSON**

*Jadi hanya di bidang-- the rule of..*

So only mm... 'Maintaining the rule of law'. Any views, Your Excellency?

**MR. IGOR ROGOV (KAZAKHSTAN)**  
**CHAIRMAN / HEAD OF DELEGATION**

Thank you, Your... Mr. Chairperson, because whether democracy is an issue of politic I would like to refer to Article 3 of our statute under...under Article 3, it is stated there that we are promoting democracy and that we support the rule of law. The logic is like this; if we defend democracy and if we defend the rule of law, then we are anti all attempt or stand against all attempt that may abolish democracy, all any attempt that might abolish rule of law. So I think that we have to comply what is provided in the statute. Not only we are defending democracy but we dislike if democracy is abolished; not only defending rule of law but we dislike, we oppose, stand against, if the rule of law is weakened because if this is the case the Association will claim that we support democra...er, democracy; meaning that it is clear that it is... we...we shall not accept any attempt to abolish democracy. Thank you. In accordance to Article 3; to the protection of human right guarantee of democracy and rule of law... so all three.

**MR. ARIEF HIDAYAT (INDONESIA)**  
**CHIEF JUSTICE/ CHAIRPERSON**

Mongolia? Mongolia you raised your hand earlier.

**MR. JANSTAN NAVAANPERENLEI (MONGOLIA)**  
**ACTING CHAIRMAN / HEAD OF DELEGATION**

We are in the opinion of that we can also incorporate the supremacy of the constitution. And if we read the last paragraph, last sentence, it does not expressed here; but what had happened in Turkey and does not relate anything to that has happened in Turkey so reading the sentence, the sentence become just a

regular sentence and becomes a general declaration as such. And, if we're going to draft this universally, I don't think we have to be in concern of anything here? And so therefore, we are in the opinion of that we need to include the term 'rule of law' which is also one of the objectives in our statute. I see what Mongolia has expressed is a middle ground of what is proposed, initially proposed, by the President of Turkey has shifted; and this is softened and more abstract, it does not refer to any concrete incident and does not refer to specific country in any manner. So we can say that it is now at the level of abstract, universal, and general. So in line with Article 3, what we need to protect is human rights, or our human rights, democracy, the rule of law; so those three...

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

Excellency.

**ZUHTU ARSLAN (TURKEY)  
PRESIDENT**

If it's acceptable for Thailand, we can introduce an expression such as as required by article 3 of the statute or in accordance with article 3 of the statute or version to article 3 of the statute or as article 3 of the statute suggest after furthermore. Maybe we can say that furthermore version of article 3 of the statute we deplore. But when it comes to the eeh eeh to the constitutional of deleting the democracy, it is not acceptable at all. I mean if we can, we must delete democracy there in Bali Declaration, I think we should also delete all the word democracy from the statute of the AACC.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Yes, what if, can we adopt the draft? maybe we can make a reference to article 3, the objective so we can incorporate our common objectives that are A, B, C, D, E. the above matter, Independent Constitutional Court and Equivalent Constitutions, the cooperation so A,B,C, the protector of Human Right, Democracy and the Rule of Law. Human right, Democracy and the Rule of Law. So what's our say? Article 3 of our statute.

***Pasal 3 statuta. Ya makanya itu, nanti rumusannya and any country ya, democracy in any country dalam kurung sesuai dengan pasal A3 statuta AACC. Ya coba dirumuskan. jadi ini dimasukkan. Di kalimatisasi pak, kalau itu langsung***

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

In that case we will explicitly refer to article 3. Excellences?

**NURAK MARPRANEET (THAILAND)  
PRESIDENT**

If you read, read first 3 objectives. For the first 3 lines in the black lines is called you can. You can leave it, we uphold the peace because it is the cause in the equivalent institution as of guardian of constitutional democracy. Guardian of the Constitutional Democracy should be free from interference from the other branches of the state power. In deeply is called for the objectives. But we try to explain... try to do something... it is not the objectives of the spirit of institution. We have Jakarta Declaration in September 8th 2005. At that time we have 7 founders to do this statue, thank you.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

We now go back to refer explicitly to our statute.  
So what say you? Russia, please?

**MR. GADIS GADZHIEV (RUSSIA)  
JUDGE**

Excellences

**MR. GADIS GADZHIEV (RUSSIA)**

Perhaps you know that the way we tried to reach consensus or compromise are... it shows how good our organisation is operating, so it turns this is a doctrine... a justice doctrine and this also appear in the jurisprudence of the United States Constitutional Court, so this is also accepted, of course the settlement of this problem is the characteristic and here we listen to the references to the communicate like we have .. we are discussing right now. It does not show a weaknesses and this is where we have differences and that is why this discussion is prolonged objectively it has .. we have done so many approaches how we... what we have done politically we also talk about the concept of rule of law and especially the concept of *rechstaat* in Europe between the European and *rechstaat* is never inline but to underline that we need to get a consensus here and we also must remind ourselves that here in out of 200 Turkish Citizens who died, they are all the victims of the... what has happened in Turkey and so we should think over what Turkey because they have gone through so much and we should consider them in this case.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*silakan*

Please go ahead, Thailand? Anything to say? Do you have any other consideration? in this case we go straight to our statute we should refer to it, so that it is not

wrong if we go out of our statute because the Jakarta Declaration and that... that is the beginning of our statute, so we do not go back to the Jakarta Declaration, but to... the Jakarta Declaration is the beginning of our statute... and now we should refer to the statute, directly, explicitly we go into the statute.

*Turki ada yang disampaikan? Silakan*

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

Turkey?

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT**

The last... acceptable for us because it doesn't say anything at all actually. So we .. We strongly opposed this one.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Yang itu ya? itu ga perlu memang*

**MR. ZUHTU ARSLAN (TURKEY)  
PRESIDENT**

So we .. We have, I think we have to return to the previous one the green one. Actually, can I clarify my proposal, my proposal was not to write article three of umm statute into the declaration. My proposal was to put the expression just in accordance with article three of statute something like that .. after .. furthermore...

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Ya kalau itu anu.*

Turkey for example if we add the green .. the green and then there is an explanation in bracket, please

**TURKEY: ZUHTU ARSLAN**

Sorry to interrupt you .. but .. we can keep

**MR. ARIEF HIDAYAT (CHAIRMAN)**

*Ya .. iya ..*

**MR. ZUHTU ARSLAN (TURKEY)**

We can keep brown ones, I mean brown expression and we can add the green one .. at the end of the brown, so it is I think it's contemplative the previous one. I mean we can keep the brown one and we can say, therefore, we deplore any attempts were .. or .. or .. that's why we deplore any attempts in .. to abolish the rule of law and democracies in any country, so this may follow the brown one.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Ya Thailand silakan*

Thailand go ahead

**Mr. NURAK MARPRANEET (THAILAND)**

We accept everything for the objective in article 3, so we accept all the law. It's okay. The brown one is the objective, we promote objective of AACC, it is okay. But why we have the green one. Thank you.

**Mr. ARIFIN ZAKARIA (MALAYSIA)**

The um.. the suggestions, we can retain what Thailand said, and then, the, at the green, that is, we restrict that to just, to Turkey. Therefore, we deplore what had happened in Turkey. That's all. Then therefore, we deplore what had happened in Turkey recently. That's all. Full stop. And Thailand will not be effective because it was directed to Turkey. Directly at Turkey. I don't know it is just, Philippines can, I don't know it is the statement, general statement, Philippines may have problem with Philippine. Thailand agree only. That's it. Thank you.

**CHAIRPERSON: Mr. ARIEF HIDAYAT (REPUBLIC OF INDONESIA)**

Thank you. *Ini mohon maaf.*

I apologize Excellencies, Chief Justice, our, we have gone overtime, 20 minutes, and we have to determine how it should be finalized. So, there is an additional in the brown that has been agreed, and then we deplore what had happened in Turkey. How about it, Excellencies?

**Mr. ARIFIN ZAKARIA (MALAYSIA)**

For, therefore, we deplore what had happened in Turkey recently. Um... just direct at Turkey. Nothing to do with any other country. Then of course, Philippines may have some problems there. Very uncomfortable.

**MR. ARIEF HIDAYAT (CHAIRPERSON)**

*Yak, bagaimana?* How? How do you think? How do you feel, Thailand?

I hope we can be closer together in the prospective that we will not cause any losses, or make someone else uncomfortable. And this is what we need to take care of.

**Mr. ARIFIN ZAKARIA (MALAYSIA)**

Recently... missing it... Recently. It is just a statement of facts. There is nothing.. is a statement of fact. So, for what had happened in Turkey.

**MRS. MARIA LOURDES OLIVEROS (REPUBLIC OF THE PHILIPPINES)**

Unfortunately, Excellency, Chief Justice of Malaysia, we are, we have the authority to give any statement, on the statement of facts of any particular incident. So my President will, um... when I get home, I will be stateless. Because he will cancel my passport if I, if I interfere in this duty. Thank you.

**Mr. ARIEF HIDAYAT (CHAIRPERSON)**

(laughing). Okay. Thailand, please. Thailand go ahead.

**Mr. NURAK MARPRANEET (THAILAND)**

*Kami berdiri dengan tujuan, dengan Artikel 3 atau Pasal 3.*  
To an invention among members only.

**CHAIRPERSON: Mr. ARIEF HIDAYAT (REPUBLIC OF INDONESIA)**

*Coba diulang. Coba, coba diulang.*  
Could you repeat that again, Sir? From Thailand, Excellency?

**Mr. NURAK MARPRANEET (THAILAND)**

We accept from the objectives. I will read it. First of all, according to the statute the literature has been promoted our stripped. The objectives of AACC to protection of human rights, and guarantee the democracy, the implementation of the rule of law, the independence of constitutional courts and equivalent institutions, and the cooperation and exchange of experiences and information among members. Full stop only.

**CHAIRPERSON: Mr. ARIEF HIDAYAT (REPUBLIC OF INDONESIA)**

*Yak, yang kuning dihapus. Thailand bersetuju dengan itu yang coklat.* Thailand agrees with in brown. So after the black, and then we go on to the brown. What do you say Turkey?



**Mr. ZUHTU ARSLAN (TURKEY)**

We should be clear about our position towards any attempt against um... democracy, rule of law, and human rights protected by our own statute. So, I think we must go ahead with only green one, without repeating the statute here, if we have to choose

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

...and we must go with the green line of expression. This is very general, very abstract expression we can use it everywhere for every case without referring to any concrete incident. Well, I may also propose that although consensus is desirable and we must reach a consensus on the content of the Declaration. in some cases under certain circumstances any state or any member must have the right to put reservation on certain part of Declaration. I mean, this might be another solution to the problem. I understand that all members except Thailand agree on the expression, *'That furthermore we deplore any attempts aiming to abolish the rule of law and democracy in any country.'*

Of course, consensus is important. I really much wish Thailand would also agree on this general sentence which is in accordance with our Statute, it is very clear. But if there is any problem for them, I can understand their situation. They can put their reservation on this part of Declaration. So we may solve this problem. I mean we may face similar problems in the future because sometimes consensus rule may block some larger conclusions. Because there is a possibility that one member in any subject or in any case has the capacity to block the will of the majority.

So, is that good for working and procedure of our Association?

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Thank you, Your Excellency. Afghanistan, go ahead.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

Mr. Chairman, can I propose an agreement? Instead of saying *'and democracy'*, can we put it, *'to abolish the rule of law'*, and instead of democracy we can.. can we put *'and legitimate governance in any country.'* And legitimate government -- not governance -- government in bracket, so it is possible for both of you, legitimate government in any country.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

So, how do we deal with this?

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

**SECRETARY GENERAL**

*'The rule of law and legitimate governments.'* Yes, remove the... yes, that one. Okay.  
No, I mean that was... Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

So, Turkey. We should return with *'democracy'*?

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

I'll go along with what Turkey has just stated, just now. I think, Myanmar you have some experience on international... you are a diplomat before, you should be able to confirm this. My view is that Thailand can sign with exceptions. Just put there. Sign the rest, but not don't agree -- explicitly stated they not agree to paragraph so and so. The rest you can agree. And the rest who can sign, sign without any reservations. I think that's a...

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

So there's a precedent before this. Thailand, as specifically for the green in the Bali Declaration, there is note that states Thailand does not agree with this Article. Is that it? It was this phrase? Because for all the black, actually Thailand is already in agreement but there is a note in the declaration that Thailand or the Constitutional Court of Thailand does not agree with the phrase, *'furthermore we deplore any attempt to abolish the rule of law and anti-democracy in any country.'* Is that okay? Can you accept that? Please, go ahead.

**MR. NURAK MARPRANEET (THAILAND)**

**HEAD OF DELEGATION/PRESIDENT**

We have reservations...

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Are there any reservations with that? Go down, bring it down, bring it lower. Scroll the cursor down. Way down, go up. So, later when Thailand signs, there's a reservation stating that Thailand does not agree to the phrase in green. That's a solution? So we can finalize this Bali Declaration? Because it's impossible to continue and to meet -- make decision. Because there is middle ground within the available time that we have. Agreed by Thailand, for reservation?

**MR. NURAK MARPRANEET (THAILAND)**

**HEAD OF DELEGATION/PRESIDENT**

Would you please talk to the opinion from the Philippines and from the other countries?

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Very well, the Philippines?

**MRS. MARIA LOURDES OLIVEROS (PHILIPPINES)**

**CHIEF JUSTICE STAFF HEAD**

Any of the proposals are now acceptable with the Philippines. Thank you.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Very well, Myanmar?

**MRS. HLA MYO NWE (MYANMAR)**

**HEAD OF DELEGATION/MEMBER OF TRIBUNAL**

It's all acceptable.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

I guess, that's all. Turkey can accept and agree that as well, so during the signing when Thailand signs there will be a reservation as also in the international practices if you disagree, then is a reservation for that.

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

Well, we propose the green one in case Thailand would agree on it. If, in this case Thailand would put reservation we must strengthen the sentence so we can return to our original proposal if no Members States would not object. I mean, in any case Thailand would put reservations so we must strengthen the sentence now.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

The problem here is, Philippines and Myanmar and Malaysia will disagree

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

The sentence without Turkey. I mean, we wouldn't mention the word 'Turkey'. Now we can accept the blue one, not the green one. If it's okay.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Malaysia, Myanmar, Philippines? What about the blue one?

**MRS. HLA MYO NWE (MYANMAR)**

**HEAD OF DELEGATION/MEMBER OF TRIBUNAL**

It's okay, Excellency.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Malaysia? Okay? In that case, is it final? Accepted the blue ones, the other to be erased.

Yes, which was decided yesterday, go up, scroll up. Okay, for the below now everything... the word independence, and then continue. 3.2, 3.3 okay, 3.4 no problem. We have decided yesterday no 3.5, none. There's a separate Minutes of Meeting. Signatures...

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

3.5 must reflect that Indonesia agree to continue with being Term President for another year instead of...

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Okay.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

...it must be amended accordingly. And agree to continue with.. as Term President for another year. Ending on... as Term President of the Association for another year, for one year.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Can we rephrase, not '*to approve*'. But not to agree, but '*mandated*.' Given the mandate. Mr. Palguna.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

To continue as Term President of the AACC for one more year. Alright.

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

All right.

**MR. ARIFIN ZAKARIA (MALAYSIA)**

**HEAD OF DELEGATION/CHIEF JUSTICE**

It should be Board of Members; '*and the Board of Members gives mandate.*'

**MR. ARIEF HIDAYAT (INDONESIA)**

**CHAIRPERSON/PRESIDENT OF AACC/CHIEF JUSTICE**

Put that in black. *Yang mana? AACC.. Oh ya, dihilangkan. Tidak. Tidak.* Delete the N. This is where everyone signs. Azerbaijan. Azerbaijan, they attended the meeting but during this deliberation, they're not here. And then, Thailand. Space for Thailand signatories based on international practices, note for reservation. How do we phrase the reservation? Any advice? An asterisk. Please, rapporteur. According to the international practice, how do we incorporate reservation?

**MR. ZUHTU ARSLAN (TURKEY)**

**HEAD OF DELEGATION/PRESIDENT**

Can I suggest something? We can say with reservations from the delegations of Thailand with regards to paragraph 3.3 of the Declaration. Or paragraph 3.3...



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.

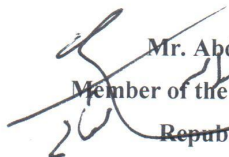
3.10 To delegate the authority to host on its territory and to execute operation of the Secretariat on Research and Development to the Constitutional Court of the Republic of Korea at the account of the latter with the place of residence in Seoul from the effective date of the present Decision.

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.



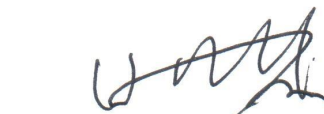
Mr. Abdullah Shafae  
Member of the ICOIC of the Islamic  
Republic of Afghanistan



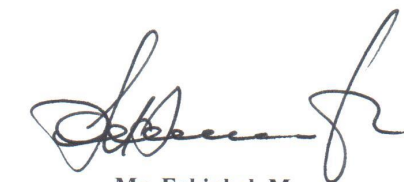
Mr. Arief Hidayat  
Chief Justice of the Constitutional Court  
of the Republic of Indonesia




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



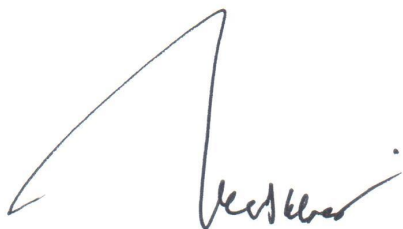
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Chief Justice of the Federal Court  
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Mr. Jantsan Navaanperenlei  
Chairman of the Constitutional Court  
of Mongolia



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



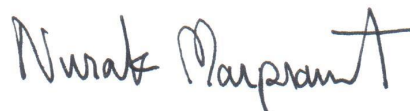
Honorable Maria Lourdes P. A. Sereno  
Chief Justice  
of the Supreme Court of the Philippines  
By: Atty. Ma. Lourdes E. B. Oliveros  
Chief Justice Staff Head



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



Association of Asian Constitutional Courts  
and Equivalent Institutions

## **BALI DECLARATION ON THE PROMOTION AND PROTECTION OF CITIZENS' CONSTITUTIONAL RIGHTS**

### **The Third Congress of the Association of Asian Constitutional Courts and Equivalent Institutions**

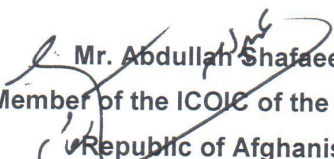
Bali, Indonesia, 12<sup>th</sup> of August 2016

1. We, the members of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC), held the Third Congress in Bali, Indonesia, on 11<sup>th</sup> and 12<sup>th</sup> of August 2016 under the main theme of “The Promotion and Protection of Citizens’ Constitutional Rights”.
2. The Congress was attended by delegates from constitutional courts and equivalent institutions and regional or language based groups of constitutional courts/institutions in the capacity as members and observers as well as guests of the AACC. It presented a notable opportunity to engage in a fruitful discussion, and to share knowledge and experience concerning mechanisms in the promotion and protection of citizens’ constitutional rights as well as the role of constitutional courts and equivalent institutions particularly through landmark decisions.
3. In the light of our past experiences and findings of the present Congress, we declare as follows:
  - 3.1 We reaffirm that constitutional courts and equivalent institutions have important roles for protecting citizens’ constitutional rights against infringement through their efficacious decisions. We believe that constitutional courts and equivalent institutions play an instrumental role in

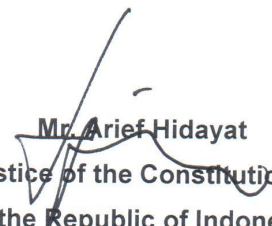
properly guaranteeing people's sovereignty by promoting human rights and constitutional principles for the maintenance of the democratic systems of government.

- 3.2 We believe in the constructive collaboration of a regional cooperation and therefore invite other constitutional courts and equivalent institutions in Asia to stand with us shoulder to shoulder in the AACC to uphold the independence of the constitutional courts and equivalent institutions, for the protection of human rights, democracy, and the rule of law.
- 3.3 We uphold the principle that constitutional courts and equivalent institutions as one of the guardians of constitutional democracy should be free from interference by other branches of the state powers. Furthermore, we deplore any unconstitutional and undemocratic attempts aiming to abolish the rule of law and democracy in any country.<sup>i</sup>
- 3.4 We resolve our collective efforts in strengthening the functions of AACC by establishing a permanent joint secretariat of the AACC. The new established Secretariat is envisaged to foster the process of achieving the AACC's objectives in promoting the protection of human rights, the guarantee of democracy, the implementation of rule of law, and the independence of constitutional courts and equivalent institutions, as well as providing platform for cooperation and exchanges of experiences and information among members.
- 3.5 Appreciating the Constitutional Court of the Republic of Indonesia for successfully hosting the Third Congress of the AACC, the Board of Members gives mandate to the Constitutional Court of the Republic of Indonesia to continue as the term President of the Association for a further one year.


Signed on 12<sup>th</sup> of August 2016 in Bali, Indonesia by:




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



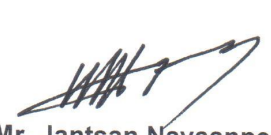
Mr. PARK Han-Chul  
President of the Constitutional Court  
of the Republic of Korea



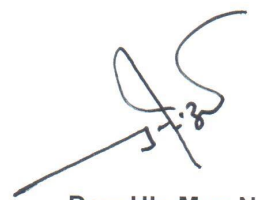
Mr. Erkinbek Mamyrov  
Chairman of the Constitutional Chamber  
of the Supreme Court  
of the Kyrgyz Republic



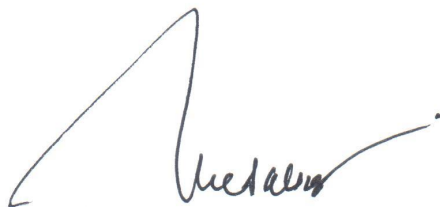
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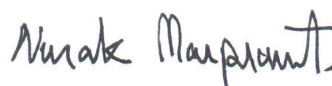
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Chairman of the Constitutional Court  
of the Republic of Tajikistan



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

*(with reservation to the 2<sup>nd</sup> sentence of paragraph 3.3)*



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

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<sup>i</sup> *With reservation from the Delegation of Thailand concerning the 2<sup>nd</sup> sentence of paragraph 3.3, (We uphold the principle that constitutional courts and equivalent institutions as one of the guardians of constitutional democracy should be free from interference by other branches of the state powers. Furthermore, we deplore any unconstitutional and undemocratic attempts aiming to abolish the rule of law and democracy in any country)*









MAHKAMAH KONSTITUSI  
REPUBLIK INDONESIA

