

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

**Preamble**

The Presidents or Heads of the Asian constitutional courts and equivalent institutions exercising constitutional jurisdiction:

RECALLING the Memorandum of Understanding to establish the Asian Conference of Constitutional Courts which was agreed at the 3<sup>rd</sup> Seminar of Asian Constitutional Courts Judges in Ulaanbaatar, Mongolia, on 8 September, 2005;

TAKING NOTE with appreciation of the work done by the Preparatory Committee for the Establishment of the Association of Asian Constitutional Courts and Equivalent Institutions since October 2007;

CONSIDERING the importance of close cooperation among the Asian constitutional courts and equivalent institutions exercising constitutional jurisdiction for the progress of democracy and the rule of law in Asia;

REALIZING the need of sharing experiences, exchanging information, and discussing issues of mutual concern over constitutional practice and jurisprudence for the development of the Asian constitutional courts and equivalent institutions;

CONVINCED that the establishment of a permanently functioning body composed of the Asian constitutional courts and equivalent institutions will greatly enhance cooperation and exchanges of experiences and information among them;

HAVE THEREFORE AGREED on the following provisions for the establishment of an association on the basis of mutual respect and with a due regard to the principle of judicial independence.

**PART I**

**GENERAL PROVISIONS**

## **Article 1**

### **Name**

The name of the association shall be the “Association of Asian Constitutional Courts and Equivalent Institutions” (hereinafter referred to as the “Association”).

## **Article 2**

### **Legal Status**

The Association shall operate as an autonomous, independent, and non-political body in accordance with this Statute. It shall not produce any legally binding effects outside the Association.

## **Article 3**

### **Objectives**

The objectives of the Association shall be to promote:

- (a) the protection of human rights;
- (b) the guarantee of democracy;
- (c) the implementation of the rule of law;
- (d) the independence of constitutional courts and equivalent institutions; and
- (e) the cooperation and exchanges of experiences and information among members.

## **Article 4**

### **Functions**

With a view to achieving the objectives set out in Article 3, the Association shall have the following functions:

- (a) to hold regular meetings;
- (b) to organize activities such as symposia, workshops and seminars;
- (c) to facilitate sharing of experiences of constitutional case-law or adjudication ;
- (d) to promote the exchange of information on the working methods and constitutional case-law;
- (e) to promote the exchange of views on institutional, structural and operational issues as regards public-law and constitutional jurisdiction;

(f) to meet requests from members for technical assistance in enhancing the independence of their constitutional courts and equivalent institutions as an essential factor in guaranteeing and implementing the objectives of the Association;

(g) to support efforts for maintaining regular contacts among members; and

(h) to enter into cooperation with organizations related to constitutional matters as deemed necessary.

## **Article 5**

### **Working Language**

1. The official working language of the Association shall be English.

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 latter's expense, into English.

## **PART II**

### **MEMBERSHIP**

#### **Article 6**

##### **Membership**

1. Only one institution from a sovereign country in Asia can become a member of the Association.

2. Membership of the Association is open to Asian constitutional courts and equivalent institutions which exercise constitutional jurisdiction.

3. Members shall be fully entitled to participate in all matters related to the Association.

#### **Article 7**

##### **Admission to Membership**

1. A written application for admission to the Association as a member shall be addressed to the Board of Members and submitted to the President of the Association.

2. Insofar as possible, the following documents should accompany an application:

- (a) legal instruments governing the establishment and composition of the applicant court or institution and the appointment and status of judges or members of the institution;
  - (b) texts establishing the nature and scope of its jurisdiction; and
  - (c) the acceptance letter of this Statute, signed by the President or Head of the applicant court or institution, addressed to the President of the Association.
3. Upon receipt of the application and necessary documents, the President of the Association transmits their copies to all members.
  4. The admission to membership shall be effected by a decision of the Board of Members.

## **Article 8**

### **Loss of Membership**

1. Any member may at any time declare its intention to withdraw from the Association. This declaration shall be made in written notification to the President of the Association.
2. Where there is an important reason for concluding that effective cooperation between the Association and a member is no longer possible, the member may be decided to have lost its membership by the Board of Members and shall be declared to be so by written notification of the President of the Association.
3. The President of the Association shall inform all members of the name of the member which has lost its membership.

## **PART III**

### **OBSERVERS AND GUESTS**

## **Article 9**

### **Observers**

1. The status of an observer may be granted to supranational courts, constitutional courts and equivalent institutions.
2. Observers are allowed to:
  - (a) attend the Congress;
  - (b) make presentation of a report on the specific themes of the Congress upon the prior request of the President of the Association;
  - (c) respond to questions relating to their presentation; and
  - (d) participate in the Association's activities such as symposia, workshops and seminars.

3. A written application for an observer status of the Association shall be addressed to the Board of Members and submitted to the President of the Association.
4. Upon receipt of the application for an observer status, the President of the Association transmits its copies to all members.
5. The admission to an observer status shall be effected by a decision of the Board of Members.
6. Any member may propose which observer should be invited to the next Congress. Such proposal shall be approved by the Board of Members.

## **Article 10**

### **Guests**

The President of the Association may invite guests to attend the Congress and Association's activities such as symposia, workshops and seminars.

## **PART IV**

### **ORGANS**

## **Article 11**

### **Organs**

The organs of the Association shall be the Board of Members and the Congress.

## **PART V**

### **BOARD OF MEMBERS**

## **Article 12**

### **Composition**

The Board of Members shall be composed of the Presidents or Heads of the constitutional courts and equivalent institutions with member status. The Presidents or Heads shall be accompanied by their Secretary General, or, where appropriate, a member of their court or institution or of its secretariat.

## **Article 13**

## **Competence**

The Board of Members is the central decision-making body and has competence in the following matters:

- (a) admission, suspension and expulsion of members;
- (b) admission and expulsion of observers and guests;
- (c) fixing the dates and venues and selecting topics of the meetings of the Congress;
- (d) approval of the Congress budget;
- (e) fixing the financial contributions to the Congress;
- (f) approving financial contributions from a third party;
- (g) adoption of the final declaration of the Congress;
- (h) drawing up the Association regulations;
- (i) amending the Statute;
- (j) dissolving the Association;
- (k) taking decision on recommendations from the other organ of the Association;
- (l) adoption of the Association's work programmes for next two years; and
- (m) taking decisions on matters related to the Association not specified in this Statute.

## **Article 14**

### **Presidency**

1. The President of the Association shall be the President or Head of the member which is to host the next Congress.
2. The President of the Association shall preside over the Board of Members as well as the Congress. If necessary, the President may designate participating Presidents or Heads of other members to preside over parts of the meeting.

## **Article 15**

### **Meetings**

1. The Board of Members shall insofar as possible hold at least one meeting between the Congress dates and, in principle, on the day preceding the opening of the Congress.
2. The Board of Members meets in general on the day preceding the opening of the Congress and also before the closing of the Congress.

3. In general, a preparatory meeting of the Board of Members will be held not later than six months before the next Congress in order to prepare for it. Other meetings of the Board of Members may be held if necessary.

4. Decisions may be taken by way of circulation.

## **Article 16**

### **Agenda**

1. The President of the Association shall send written invitation to all members of the Association at least three months in advance of the meeting of the Board of Members. The written invitation to the meeting of the Board of Members shall be accompanied by the provisional agenda for the meeting.

2. The provisional agenda shall include:

(a) The individual topics for debates;

(b) The budget for the next two years and the financial statement of the Association;

(c) The reports on the work of the Association;

(d) The recommendations from the other organ of the Association; and

(e) Other items that the President of the Association deems necessary.

3. The decisions taken shall be written down in the minutes of the meeting. The Secretariat shall be responsible for preparing the minutes of the meeting.

4. Members shall be provided with the minutes.

## **Article 17**

### **Venue of meetings**

The Board of Members shall, as a rule, meet at the seat of the member responsible for organizing the next Congress. In a particular case, the Board of Members may fix another venue.

## **Article 18**

### **Quorum**

1. The Board of Members shall be empowered to take decisions if at least majority of the members of the Association are present at the meeting.

2. A judge or member, the Secretary General or another designated staff member of the court or institution concerned may represent its President or Head at meetings and vote on his/her behalf.

## **Article 19**

### **Voting**

1. The Board of Members shall take decisions by a two thirds majority of the members present at a meeting.
2. Each member shall have one vote.

## **PART VI**

### **CONGRESS**

## **Article 20**

### **Composition**

The following shall be entitled to participate in the Congress: members, observers and guests. However, observers and guests are not allowed to participate in voting or decision-making.

## **Article 21**

### **Meetings**

1. The Association holds in general a Congress once every two years.
2. The Congress comprises an opening and a closing session as well as the debates.
3. The Congress shall start with a solemn opening session. It ends with a special closing session.
4. The Board of Members designates a chairperson for each meeting in the Congress.
5. For the preparatory meeting of the Board of Members and the Congress, the host member shall provide the participants with an updated list of members, observers and guests.

## **PART VII**

### **SECRETARIAT**

## **Article 22**

### **Secretariat**

The Secretariat of the Association shall be provided by the member organizing the next Congress.



## **PART VIII**

### **FINANCING**

#### **Article 23**

##### **Principles of Financing**

1. The general costs of organizing the meetings of the Board of Members and the Congress and other activities including symposia, workshops and seminars shall be financed primarily by the equal contribution of members. But the share of the contribution can be differentiated depending on respective capabilities of members as decided by the Board of Members.
2. The host member shall be responsible for the costs of the Secretariat of the Association.
3. The Board of Members may require observers to pay a fee to contribute to the costs of organizing the Congress. This fee shall be fixed in the light of the costs incurred in respect of the services provided to observers, taking into account the contribution paid by members.
4. The acceptance of all types of financial contributions from third parties shall be subject to prior approval by the Board of Members.
5. The member organizing the Congress shall draw up, insofar as possible not later than six months before the opening of the Congress, a budget for the Congress which shall be submitted for the approval of the Board of Members.
6. The final settlement is effected after the end of the Congress on the basis of a final statement of account drawn up by the member organizing the Congress.

#### **Article 24**

##### **Financial Contribution of Members**

1. Members shall bear their own travel and accommodation expenses.
2. The general costs of organizing the meetings of the Board of Members and the Congress are the following:
  - (a) rental of the premises;
  - (b) printing costs;
  - (c) costs of the translation of written documents;
  - (d) interpretation costs;
  - (e) administrative overheads; and
  - (f) costs of local transportation.

3. The Board of Members decides whether and how far the following costs may be part of the general costs of organizing the meetings of the Board of Members and the Congress:

- (a) costs of food;
- (b) costs of any recreational events;
- (c) specific costs of providing an internet site for the Association; and
- (d) costs of specific security measures.

4. The Board of Members shall furthermore decide on the number of delegates per country whose costs will be included in the general costs of organizing the meetings of the Board of Members and the Congress.

5. The costs not included in the general costs of organizing the meetings of the Board of Members and the Congress shall be billed separately.

6. The host member is free to cover partly or entirely the costs mentioned in Sections 2 and 3 above.

## **Article 25**

### **Financial Contribution of Observers**

- 1. Observers shall bear their own travel and accommodation expenses.
- 2. Observers may be required to pay a participation fee for each participant which comprises the costs of food and any recreational events.
- 3. The costs of special programs shall be charged to the observers.
- 4. The amount of the participation fee is decided based on the proposal made by the host member.
- 5. The host member is free to cover partly or entirely the aforementioned costs and the fee mentioned in Section 3 of Article 23.

## **Article 26**

### **Financial Contribution of Guests**

- 1. In general, guests shall bear their own travel and accommodation expenses.
- 2. Guests shall not contribute to the general costs of organizing the Congress and shall not be required to pay the costs of food and any recreational events.
- 3. The costs of special programs shall in general be charged to the guests.
- 4. The host member is free to cover partly or entirely the aforementioned expenses and costs.
- 5. The Board of Members may moreover decide that the aforementioned costs are partly or entirely included in the general costs of organizing the Congress.

## **PART IX**

### **MISCELLANEOUS PROVISIONS**

#### **Article 27**

##### **Liaison Officer**

1. Each member shall designate one officer as Liaison Officer.
2. The Liaison Officer shall act as the channel of communication among members.

#### **Article 28**

##### **Seating Arrangements**

1. At the Congress, there shall be not more than five seats for each member and not more than two seats for each observer. Members are to be seated up-front, followed by observers. In general, seats for members and observers are arranged in alphabetical order of the names of their countries.
2. Seats for guests will be arranged by the host member.

#### **Article 29**

##### **Media and Publicity**

1. The media (press, radio, television) is invited to the opening of the Congress.
2. The debates are not open to the public.
3. After the closing session, a press conference may be held by the President of the Association, accompanied, if appropriate, by other participants in the Congress.

## **PART X**

### **FINAL PROVISIONS**

#### **Article 30**

##### **Dissolution**

The Association may be dissolved by a decision of the Board of Members.

### **Article 31**

#### **Original Copy**

This Statute is done in English in a single original copy.

### **Article 32**

#### **Entry into Force**

This Statute shall enter into force on the day of its adoption at a meeting of the Presidents or Heads or their designated representatives of the constitutional courts and equivalent institutions which are members of the Preparatory Committee. The members of the Preparatory Committee who adopt this Statute shall be the founding members of the Association.