



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

As amended in terms of resolutions passed at:

1. the Board of Members meetings of Asian Constitutional Courts and Equivalent Institutions on 12th August, 2016, in Bali, Indonesia*
2. the Board of Members meetings of Asian Constitutional Courts and Equivalent Institutions on 26th August, 2022, in Nur-Sultan, Kazakhstan**

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 3rd 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 and symbols of the Association **

1. The name of the association shall be the “Association of Asian Constitutional Courts and Equivalent Institutions” (hereinafter referred to as the “Association”). **
2. The Association has a flag and emblem approved by the Board of Members. **

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 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 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. *

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.

PART IV ORGANS

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 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.
3. In case the next President of the Association is not determined, the term of mandate of current President can be extended with its consent by decision of the Board of Members.

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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

1. 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.
2. Upon proposal of the President of the Association that is approved by majority of the members of Association, the meeting of the Board of Members may be held in electronic format with using information technologies. **

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.
6. Upon proposal of the President of the Association that approved is by majority of the members of Association, in exceptional cases the Congress may be held in special order and in electronic format is organized by the Host secretariat. **

PART VII SECRETARIAT

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 Türkiye
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. *

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.

(*Articles amended by the the Board of Members meetings of AACC, held in Bali, Indonesia on 12 August 2016)

(**Articles amended by the the Board of Members meetings of AACC, held in Nur-Sultan, Kazakhstan on 26 August, 2022)

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 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 themes chosen.
 - 3.4. To stipulate that the functions of Center for Training and Human Resources Development shall be as follows:
 - Conducting training programs, including summer school, workshop 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 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 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 seconded staff for period of secondment.
- 3.8. To stipulate that adoption of 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 Constitutional Court of the Republic of Türkiye 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.