



MAHKAMAH KONSTITUSI  
REPUBLIK INDONESIA



# **PROCEEDING SECRETARY GENERAL 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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## TABLE OF CONTENTS

<b>A. MEETING OF SECRETARY GENERAL .....</b>	<b>1</b>
<b>OPENING SESSION .....</b>	<b>1</b>
<b>1. SECRETARY GENERAL .....</b>	<b>1</b>
<b>2. CHIEF JUSTICE .....</b>	<b>7</b>
<b>B. SESSIONS .....</b>	<b>8</b>
<b>1. SESSION ONE:</b>	
<i>Follow up of the outcome of the Meeting of the Secretary Generals</i> <i>on 30-31 May 2016 .....</i>	<b>8</b>
<b>2. SESSION TWO:</b>	
<i>Discussion and signing Minutes of Meeting's draft .....</i>	<b>65</b>
<b>C. SUMMARY REPORT</b>	
Minutes of Meeting of the Secretary Generals .....	<b>85</b>



## **A. MEETING OF SECRETARY GENERAL**

Good morning Ladies and Gentlemen, welcome to the meeting of the Secretary Generalss of the Association of Asian Constitutional Court and Equivalent Institutions. Tuesday, August 9, 2016 at Bali Nusa Dua Convention Center. Assalamu'alaikum warahmatullahi wabarakatuh. Om swastiastu. Shalom. Namu Buddhaya. Peace be upon us all.

Your excellency, Chief Justice Professor Arief Hidayat of the Constitutional Court of the Republic of Indonesia as the President of the Association of the Asian Constitutional Courts and Equivalent Institutions.

The Honourable Secretary Generalss of the Member Institutions of the Association of the Asian Constitutional Courts and Equivalent Institution and distinguished delegates.

Your excellency and distinguished delegates, please welcome the Secretary Generals of the Constitutional Court of the Republic of Indonesia, Mr. M. Guntur Hamzah as the chairman of this meeting. Mr. M Guntur Hamzah, the floor is yours.

### **1. OPENING SESSION BY SECRETARY GENERAL**

#### **MR. M. GUNTUR HAMZAH (INDONESIA)**

Thank you. Bismillah, good morning. Assalamu'alaikum Warahmatullahi Wabarakatuh, Om swastiastu.

Distinguished colleagues, ladies and gentlemen, allow me to extend a very warm welcome to all of you to Bali, Indonesia and to the meeting of the Secretary Generalss of the Association of the Asian Constitutional Courts and Equivalent Institutions. It is indeed a great pleasure for me to see you again after our previous meeting last May in Jakarta. This meeting is the fourth meeting of the Secretary Generalss of the Association. So, I believe that most of us are already familiar.

As we know, the meeting of the Secretary Generals of the AACC was initiated by the Constitutional Court of Indonesia as Term President of the AACC with the objective to enhance the role of the Secretary Generals of the Association in their support of the Association, including to prepare the Board of Members meeting and the Third Congress as well as other activities.

The meeting of the Secretary Generals has been confirmed also to continue our ongoing discussion regarding the possible establishment of a permanent secretariat. I believe that we all agree on the importance of the strengthening this Association so that it can grow and develop both by deepening the relations among its members and also by expanding relations with other partners and institutions. As such, it is essential that we approach this matter with careful consideration of the Association's objective as outlined in the statute. Bearing this in mind, today's deliberation shall focus on the report from Secretary Generals regarding feedback

from your respective heads of institution and the result of the last meeting of the Secretary Generals on 31st May 2016, as written on minutes of meetings.

Moreover, we will also inform the final preparation of the Boards of Members meeting and the Third Congress of the AACC that will start tomorrow. During the meeting today, I kindly ask for your active participation in this session and trust that they will be fruitful and pave the way for smooth preparation of the Board of Members meeting and the congress of the Association.

Prior to His Excellency president of AACC's welcoming remarks, I would like to ask the head of delegations to introduce yourself and other delegates who are present at the meeting of the Secretary Generals today. I will invite head of delegation in accordance with alphabetical order starting from Afghanistan. Please.

**MR. ABDULLAH SHAFEE (AFGHANISTAN)**

Thank you very much His Excellency, Chief Justice, His Excellency the Chairman, and respected colleagues. I'm very pleased to be here in this important meeting. I strongly believe that we are going to discuss two proposals which are very important to be finalized in my understanding in the Congress and particularly to this establishment of the permanent secretariat. We are waiting for the proposals to be presented we have our comments on both of them, and hopefully I will share my comments later. Thank you.

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

Thank you. Please, from Azerbaijan.

**MR. FARHAD ABDULAYEV (AZERBAIJAN)**

**SECRETARY GENERAL**

Thank you Mr. Chairman. First of all, I would like to say thank you to the Constitutional Court of Indonesia, especially to Mr. Arief Hidayat for inviting the Constitutional Court of Azerbaijan to Bali and to express our gratitude for the hospitality. The Constitutional Court of Azerbaijan is very active in the functioning of association and we are going to make our own contribution to the work of the meeting of the Secretary Generals, and also the board of full members. I guess the Constitutional Court of Indonesia got also the letter concerning of the proposal of the Constitutional Court of Azerbaijan to add the Russian language to the official working language. We hope this issue will be decided in Bali. Also, we hope that this time we will not postpone the issue of setting up the permanent secretariat and the secretariat will be set up during the congress in Bali. I wish you all the best, we have some other proposals also regarding the declaration. I think during the work, this will be settled. Thank you.

**MR. NOOR SIDHARTA (INDONESIA)**

### **HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

Thank you. First of all, I would like to say welcome to all the delegates to Indonesia today and tomorrow after the second time of the congress. We would like to be active in this meeting, and we hope we can have good decisions for our meeting today, tomorrow and all time. My name is Mr. Noor Sidharta, and I have my colleague Mr. Dr. Muhammad Faiz, Mr. Evan Pujonggo and Mr. Widya Rahmanto in here. Again, welcome to Indonesia for all the delegates. Thank you.

### **MR. M. GUNTUR HAMZAH (INDONESIA)**

Next from Kazakhstan, please.

### **MR. BAKYT NAMMUKHANOV (KAZAKHSTAN)**

### **HEAD OF LEGAL DEPARTMENT**

Dear colleagues, let me on behalf of the Kazakhstan delegation on General Secretary meeting, express our deep gratitude to the Constitutional Court of Indonesia as term president of the Association for the invitation and the excellent organization for our work. Here is my colleague, Mr. Aldongarov, he is the Head of Department, I am head of Legal Department. Unfortunately our General Secretary couldn't participate in this meeting, they asked us to represent his opinion. I think we will have a fruitful and interesting discussion this four days and adopt effective decision. We wish you enjoy this beautiful place in Bali and have effective work. Thank you very much.

### **MR. M. GUNTUR HAMZAH (INDONESIA)**

Thank you. next from the Republic of Korea, please.

### **MR. YONG HUN KIM (REPUBLIC OF KOREA)**

### **SECRETARY GENERAL**

Fellow Secretary General and many distinguished delegates, I am Mr. Yong Hun Kim from the Korean Constitutional Court, and my assistant Kook Hee Lim is here. I am very happy to meet you in three months from the previous meeting here in Jakarta. Nowadays, the chairman told us I feel very familiar with everybody and my dear hope is to produce tangible result through the meeting this week. As we know, we already have four meetings of Secretary Generals in Indonesia. I really hope to produce tangible result today. Thank you very much.

### **MR. M. GUNTUR HAMZAH (INDONESIA)**

Next, from Kyrgyzstan.

### **MR. TURARBEB MASYBAEV (KYRGYZSTAN)**

**SECRETARY GENERAL**

Dear chairman, we have discuss this the second time. When we discussed this question in Jakarta, it was also very productive and we have achieved good result. And I would like to also note the initiative of the Republic of Korea, Turkey and Indonesia, they are very interesting and that deserve our support. I also would also like to maintain our previous proposals. Thank you from Kyrgyzstan.

**MR. ASLAM ZAINUDDIN (MALAYSIA)**

**REGISTRAR**

Good morning, Assalamu'alaikum, very good morning to everyone. I'm Aslam Zainuddin, Deputy of Secretary General of Malaysia. At the moment, I am the only delegate from Malaysia today. First of all, I'd like to thank the Constitutional Court of Indonesia for the excellent organization that has been done here in Bali, and I am waiting for my Chief Justice and another Federal Court Judge who will arrive this afternoon for the Board of Members meeting. So once again, as was mentioned, I also associate myself with what was said by my other Secretary Generals from the other countries regarding the proposals that we will discuss today. Thank you very much.

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

Thank you very much. And next from Mongolia.

**MR. SORONZOBOLD NOROVSUREN (MONGOLIA)**

**HEAD OF DEPARTMENT OF COOPERATION, INFORMATION AND TECHNOLOGY**

Honorable chairman, honorable president, and honorable judges. I am representing our Secretary General of the Constitutional Court of Mongolia, Mr. BILEGJARGAL BAT-ERDENE. And my name is Soronzobold Norovsuren. Our court has three comments to do with the proposals that we'll present later, and I hope that we will have a fruitful and important discussion today. Thank you.

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

Thank you. And next from Myanmar.

**MRS. MAY HSU HLAING (MYANMAR)**

**STAFF OFFICER**

Thank you, Sir. Dear colleagues and Chairman and President of AACC. I am May Hsu Hlaing from the Constitutional Tribunal of Myanmar. On behalf of our Tribunal, I am actively participating in this meeting. Thank you, Sir.

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

Thank you. And next from the Philippines, please.

**MRS. ANNA-LI PAPA-GOMBIO (THE PHILIPPINES)**

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR**

Good morning, everyone. Your excellency chief justice Arief Hidayat, your honor chairman Guntur Hamzah, my good friend. Allow me first to express my personal gratitude for bringing us all here to Bali for the meeting of the Secretary Generals and the Board of Members meeting and the congress. Also, allow me to express personal regret of my colleague who could not participate in this meeting. I am Mrs. Anna-Li Papa-Gombio. You can call me Lani. You've been calling me that -- Lani -- since day one. And I am the Deputy Secretary General of the Constitutional Court of Supreme Court of The Philippines. Thank you.

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

Thank you very much. And next from Russia, please.

**MR. VLADIMIR SIVITSKY (RUSSIA)**

**HEAD OF SECRETARIAT**

Good morning, colleagues. The Russian Federation Delegation is ready to participate in the discussion regarding all questions. We particularly hope for our proposal to make Russian the second working language of the association. And I would like also to express the recognition that from the beginning this event has been organized so well and so warmly.

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

Next from Tajikistan.

**MR. ABDAMAJID GALZODA (TAJIKISTAN)**

**CHIEF OF STAFF OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF  
TAJIKISTAN**

Good morning, participants of the conference. We would like also to support the position of Indonesian Constitutional Court and the Korean Constitutional Court regarding the establishment of a permanent general secretariat. And also, we'd like to support the Russian proposal to make Russian language the second working language of the association. Similarly, I'd also like to thank and express our gratitude

for the very warm welcome to the Constitutional Court of Indonesia for welcoming our delegation, our judges as well as the organization of this event.

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

**MR. PIMOL THAMPITAKPONG (THAILAND)**

**SECRETARY GENERAL**

Thank you. First of all, we would like to thank you, Mr. Secretary General from Indonesia, to welcome our delegation. We hope that our discussion today will be fruitful and informative in terms working in our community so we think that our discussion will bring about benefit to our community. Thank you.

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

Thank you. And the final. Please, Turkey.

**MR. YUCEL ARSLAN (TURKEY)**

**RAPPORTEUR JUDGE**

Good morning, honorable president and Mr. Chairman and distinguished colleagues. This is Yucel Arslan, Rapporteur Judge for the international relations of Turkish constitutional court.

**SECRETARY GENERAL MEETING**

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Good morning, ee Honourable President and chairman, distinguished colleagues, this is Yucel Arslan, Rapporteur Judge for the International Relation of Turkish Constitutional Court. Ee, first of all, on behalf of my, our President and my court, I would like to express our sincere thanks ee to Mr Hidayat ee Mr President for inviting us, and holding such a conference in Bali. I am sure the meeting and conference will be very fruitful for the association. Ee, thank you very much.

**Secretary General of Constitutional Court/Chairperson: M. GUNTUR HAMZAH (INDONESIA)**

Thank you very much. Ee all delegate, distinguished delegates, we have the privilege of the present of the president of the association, chief justice Professor Doctor Arief Hidayat of the constitutional court of the Republic of Indonesia who will deliver his welcoming remarks prior to the commencement of the meeting. Without further ado allowed me to invite His Excellency justice, chief justice Professor Doctor Arief Hidayat to deliver His remarks. His Excellency chief justice Professor Arief Hidayat the floor is yours, please.



## 2. OPENING SESSION BY CHIEF JUSTICE

### Chief of Constitutional Court: ARIEF HIDAYAT (INDONESIA)

(Clapping hand). Terimakasih/ thank you to the chairperson of the meeting. Walaikum salam warahmatullah hi wa barakatuh. Good morning, blessing to us all, om suasti astu, namo budaya. The honourable secretary general of the constitutional court of the Republic of Indonesia. Ketua pertemuan ini Professor Doctor Guntur Hamzah. The honourable delegates of the meeting of the secretary general which consist of the Secretary General of the constitutional courts and members of AACC for those representing. Distinguished ladies and gentlemen, first of all lets us pray to God Almighty Allah SWT, this morning we are giving the opportunity to attend this meeting which is very important in the best of health. On behalf of the president of AACC and the chief justice of the constitutional court of the Republic of Indonesia, I would like to welcome all of you again back to Indonesia and specifically welcome to the island of the Gods, Bali, specifically in Denpasar. Welcome also to the venue of the meetings in the complex of the Nusa Dua to the head and members of the delegates for the meeting of the secretary general of the constitutional courts and the equivalent institutions and all the members of AACC I would like to say thank you and extend my highest appreciation to all of you, who have taken the time to attend this meeting through the constitutional courts where all the members of AACC has been invited and it is a great honour as well as a joy for me, myself as the president of AACC. That all of you are here present here today in these meeting room. The Chair person, delegates, distinguished delegates and chair , the meeting of the secretary general of the constitutional courts and the equivalent institutions as the members of AACC today is a continuation of the series of meeting that has been held all these time, we are all in the same understanding on the meaning and the important rules of the secretary general which has a very important or main stable position and instrumental rule in the advancement and protection of democracy, the right of the people and the constitutional right of the citizen in supporting these supremacy of law, and rules of law and. That is why let us together make these meeting as the right step which really has the benefit to the continuations of all the agenda of AACC which at present and also for the future including among it , it's the effort to continue and maintain the relationship in this forum of AACC to all the members.

On this occasion I would also like to convey my highest respect to the head of delegation of the constitutional courts and also the president of the constitutional courts and equivalent institution who are present, but will only be present tomorrow personally and will be meeting at the board of member meeting and also in the congress in the following days to come.

And by saying Bismillahi rohman nirohim, and thus I declare the meeting of the Secretary General is officially open. (clapping hand)

Thank You. Walaikum salam warahmatulahi wabarakatuh.

## **B. SESSIONS**

### **1. SESSION ONE**

*Follow up of the outcome of the Meeting of the Secretary Generals  
on 30-31 May 2016*

#### **Secretary General of Constitutional Court: M. GUNTUR HAMZAH (INDONESIA)**

Thank you all for those opening remarks, now we shall have a brief photo session for all representative followed by a 10 minutes coffee break.

#### **Master of Ceremony (MC)**

Your Excellency and distinguished delegates this conclude the opening session. Now we will have a photo session followed by coffee break. I invite, first all of the heads of the delegation to the front for the photo session.

Followed by all of the delegates.

Now, the President of Association of Asian Constitutional Courts and Equivalent Institutions will leave the room, and we shall take the coffee break outside of the meeting room.

I invite all delegates to be seated.

#### **Secretary General of Constitutional Court: M. GUNTUR HAMZAH (INDONESIA)**

Distinguished colleague, ladies and gentlemen.. Eh for this session please allow me to chair the session using Indonesian language that will be translated simule.. simultaneously into English and Russian.

Eh..

Distinguished ladies and gentleman. As is stated in the temporarily.. on the temporarily agenda or the tentative agenda, the meeting.. our meeting today will discuss several agenda. The first being of course, we will decide or agreed on the agenda itself which is the adoption of the agenda and then secondly, we will discuss about the follow up of the outcome of the meeting of the Secretary Generals should be conducted in May 2016 on the 30th to 31st May to be precise whereas in that meeting stated on the Minutes of Meeting. We need to hear, firstly, the report from each Secretary General or each delegate on the directives of the President or the Chief of Justices from each delegation.

Secondly, we will discuss about a minor amendment to the AACC statute, the statute of the Association. Particularly, with regards to the Secretariat and, that's first. The second being working language. The third being financial contribution. And then, other matters that need to be discussed, include the preparation of Board of

Members Meeting tomorrow, both the initial Board of Members Meeting and the Final Board of Members Meeting, which will be conducted on the 10th of August and is followed by a meeting on the 12th of August.

And then we also need to discuss about the WCCJ and the cooperation with CCJA. These are several matters and our agenda that we need to adopt first. Is there any matter that needs to be included in this agenda or is this sufficient?

My apology also another agenda which is a discussion on other matters. So that'll be discussion on other matters. So any other matters beyond the two main items of agenda will be discuss as well under the sub-discussion on other matters. Is there any delegation that has other suggestion or proposal to the agenda in addition to the once that I have explained.

From Turkey? .. Pak Ket..

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Eh.. a.. she know.. Actually eh we eh would like to ehm propose eh something about Bali Declaration eh just eh as Turkish constitutional court as all distinguished deleg. delegations know that we had a court attempt in Turkey and eh we would like the Association eh to condemn eh this association that competent tend eh to insert a sentences in Bali Declaration, like condemnation of this attempt. Eh send out of agenda but if possible we can discuss in the preparation of agenda of Board of Members Meeting. Thank you.

**Secretary General of Constitutional Court: M. GUNTUR HAMZAH (INDONESIA)**

Ya, baik terimakasih. Very well, thank you. Delegate from Turkey. In principal, we have..

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

Very well, thank you, delegate from Turkey, in principle, we have understood. What you are currently experiencing in Turkey, and in the agenda, we will, if there's no objection from other delegates, we will adopt this into the preparation of BOMM or Board of Members Meeting, and when discuss at the time of Board of Members Meeting preparation discussion, we will incorporate that agenda as suggested by our colleague from Turkey there's no further suggestion and no objection to the agenda, can we adopt the agenda from Indonesia?

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER: MR. NOOR SIDHARTA (INDONESIA)**

Thank you, Chairman. From Indonesia, delegation from Indonesia, tomorrow during the Board of Members Meeting there are decisions that need to be taken, many decisions that need to be taken, and I have not seen or we have not seen in the agenda, regarding next president of the association, perhaps here we can request all

delegates from all member countries, whoever wants to propose themselves as the next president of the association, can do so, because tomorrow in the Board of Members Meeting, if we can convey this proposal earlier then it will ease the flow of Board of Meetings, Board of Members Meeting, so what is suggested by the delegates from Indonesia, we have suggested as well, in the Secretary General Meeting, last May, and we have agreed to convey to all Constitutional Courts in each state to send their expression or to send to become the next president of the association, but I would like to inform here in this event, none of the state has express their interest up until the deadline that we determined, which was the fifteenth of July 2016. So none of the state has express their interest for that, so perhaps I am expecting that the state will express their interest through their delegate for present here today at the meeting because the appointment of the next president of the association, if there's no more suggestion, regarding the agenda will now agree to adopt the agenda that I have previously explained, there's none. No hand is raised, no more suggestion? We therefore adopt the agenda for the Secretary General Meeting as previously explained. Agree? Okay, then the agenda is adopted.

Honorable Secretary General and delegates as previously mention, the first agenda, was the adoption of the agenda, and that was concluded and now next in the agenda, is to hear the report or explanation or elaboration from each delegation with regards to working paper on the establishment of permanent secretariat, which we have discussed during the secretary, during the previous secretary general meeting, in May. Where we have agreed to provide opportunity to all delegates, to come up with their concepts and we have agreed a deadline for that, a deadline for such submission for the establishment of permanent secretariat, which was fifteenth of July, 2016, including the proposal of expression from the state for the next presidency of the association, the deadline was fifteen of July, 2016, we have received a number of proposed concept for the establishment of the permanent secretariat.

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

Whether is a joint secretariat or single secretariat or rotating secretariat as been agreed on the minute of meeting and this morning, in this session, we will listen once again to the result or report from each delegate or each secretary general with regards to working paper on the establishment of permanent secretariat. And if you have... further to become the next president of the association you may also express during this opportunity. For that I would like to welcome each delegate to put an alphabetical order. Let us start from Afghanistan to convey their report or elaboration on working paper of the establishment of permanent secretariat. Delegate from Afghanistan the floor is yours.

**MR. ABDULLAH SHAFACE (AFGHANISTAN)**

Thank you very much, Mr. Chairman. It's always very good that your name start with A, because you got the chance to speak but not always very good because you need to get to comment at the first stage. Er, thanks again er, we have all submit the concept note and proposals on the joint secretariat, and er... another proposal submitted by Turkey. We have submitted our letter of express, expression, for I sign by his Excellency the chairman of recomition. Principally, we do agree that permanent secretariat have to be established and our proposal which is also included in the working paper is that the secretariat can include capacity development unit that should be responsible for exchanging of information and to produce of knowledge, and sharing knowledge, and to building upon the existing knowledge of our colleagues in the commission, and colleague in the constitutional court of different countries. Er... let me convey the message of the Excellency of Afghanistan as well with the Chairman of our commission, er.. He is very much thankful of hosting...to Indonesian constitutional court for hosting such an important er.. er.. meeting, and he is totally agreed on the establishment of joint secretariat. Tonight we are going to take, I'm going to take all the notes here, and share with our members as well, and with the Chairman and hopefully we could go, er..it will be decided in the tomorrow's meeting. Thank you very much, thank you.

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

Thank you from Afghanistan has already express their views on the joint permanent secretariat, and next I would like to invite the delegation from Azerbaijan. Please proceed.

**SECRETARY GENERAL: MR. RAUF GULIYEV (AZERBAIJAN)**

Thank you, Mr. Chairman. From the very beginning I guess I mention the er... from the very beginning the constitutional court of Azerbaijan supported the idea of setting up a permanent secretariat. And the... the proposals we have acquainted with are really very interesting. The main point that we found out in the proposal is that ... and there is secretariat is going to ensure their er... exchange of the information which is er... so useful for the constitutional court while drafting their decisions. This kind of let's say called as a forum is a very useful and it is implemented already for..for the years by the European constitutional court within them, when this commission of the counselors of Europe who will also attend the congress to be held er.... the day after tomorrow. And this kind of forum is very useful and I hope that the permanent secretariat can ensure the er... the due function for this kind of forum I mean in exchange of the information. The information regarded the cases examine by the court, er... I also do hope that this time the final decision will adopted and it will be not being postponed for the next meeting. This will also facilitated the work of the association I guess. I hope that the ... decision will be adopted by the board of the full members. Anyway, we will respect the final decision and the constitutional court of Azerbaijan will expresses opinion during the meeting. Thank you.

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

Thank you to the delegate from Azerbaijan, we have heard from.. We have heard the views of and.. the views of Azerbaijan in relation to the joint permanent secretariat and next I would like to invite from the delegate from Indonesia to deliver his views.

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER: MR. NOOR SIDHARTA (INDONESIA)**

Thank you, chair...Mr. Chairman. We from Indonesia once again would like to convey that we are in our stance to have a joint permanent secretariat together with Korea. We...um we think this is one of the best efforts to strengthen the secretariat of our association in supporting the different activities that is number one, and num... the joint permanent secretariat is also in found many international organizations, for example in the European Parliament which places the secretariat in three different countries. And in the context of AACC the form of the joint permanent secretariat is one way to make our workload easier.... workload easier from beginning from the planning, publication, inform... information, technology, ee...research, development, and specifically the support of funding, of financial support. The joint permanent secretariat will clo...or cover the weaknesses in the rotating system of the sec...of the not-permanent secretariat where the planning and the program will be overcome with the availability or the presence of a joint permanent secretariat that we propose. Joint permanent secretariat will not cause any problem in terms of coordination because the distribution of task or duties between Indonesia and Korea is very clear, so there will be no overlapping in conducting the function of the secretariat. The joint permanent secretariat will not also take over their role of central from the president of AACC and also the host country of the AACC which is attached to the president and the secretariat will always be in relations and communicating at to support the regular programs, for example the Board of Meetings, Board Meetings and also the congress of AACC. Indonesia and Korea has made an extra effort in giving their best contributions to the association by proposing the joint permanent secretariat. The discussion on the strengthening of the secretariat has been... has taken a long time since two years ago and through the four meetings of the Secretary General and one time at the Board of Member Meeting and also the intensive study in the strengthening of the secretariat of AACC, so we hope that in this meeting we can make a decision, a final decision. We once again do not hope there should be delay in making the decision in determining the joint permanent secretariat in line with our hopes that it should be a joint permanent secretariat. That is all from us, Mr. Chairman. Thank you for the time given to us.

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

Thank you to the delegates of Indonesia and next we invite the delegation from Kazakhstan.

**HEAD OF PERSONNEL AND DOCUMENTATION DEPARTMENT: MR. KUANYAH  
ALDENGARROV (KAZAKHSTAN)**

Dear colleagues the Constitution Court of Kazakhstan from the beginning has supported the idea of establishment of permanent secretariat of the association, in that time the constitution court of Indonesia eh as the current president has had a lot of work before itself, and we have received the documents where and... where which analyse the international experience shows the pluses and minuses of the different secretariat and association and regional association including the European-African uh... Portuguese-speaking countries and Francophone countries and other -phone association. We have... After analysing all these proposals we think that all are interesting and they all certainly have right to exist. Eh...At the same time, the Constitutional Court of Kazakhstan also supports the core proposal of the Korean and Indonesian Constitutional Court... uh Courts to also loc... locate one department in Seoul about constitution development and the other, about the coordination and planning uh... in locate--to be located in Indonesia; in Jakarta. Korea also has great experience in the association, it also has been the source of the establishment of the association it helps the first inaugural congress in 2014, constitutional courts of Korea also hosted um... a congress about... uh, We also think that this Constitutional Courts will also be in a position and will--it will be capable of of...of organizing, of hosting such a centre including research and development about umm... the most

**HEAD OF PESONNEL AND DOCUMENTATION DEPARTMENT: Mr. KUANYSH  
ALDONGAROV (KAZAKHSTAN)**

Hmmm the most pressing, the most important issues.. ehh... for the association in regard to Indonesia Constitutional Court... which is also one of the founders of the Asian association of constitutional courts. More than once congress has been held in Indonesia... we can also ehhh congratulate Indonesia for its eeh...the last two year of its presidency of the association, that has been successful and we also think that this experience will be very useful for future coordination and its constitution activities. We also analyze the proposal of the Turkish constitutional court, the... ehhh the Turkish constitutional courts also has a great experience in this field. In recent years the Turkish constitutional court has been very productive and very also successful in holding trainings and seminars for the members of the association about the most... ehhh important issues about realizing the principals of constitutionalism... and we also think that the Turkish will continue this practice and the other member of the association will continue to actively participate in such work, such activities. And in this regard, we think that eeh... most members of the association would also be involved in this work in one or another ways. Certainly there are organizational questions, for instance the other day I have asked, I propose



a question to the Korea delegation who will be working in this, in the eeh... Research Development Department if when it would be hosted in Seoul.

They eeh.... make sure that all members of the association can send the representatives, and then there was also some questions, who will bear the expenses, for instance in regard to aaah eeh... accommodation living eeh... travel expenses, salaries, these questions also eeh... require a great discussion.... I think that tomorrow, the members of...eh...the board of members eehh aaah... that correct and optimal decision will be made on... eeh tomorrow ...

**CHAIRMAN OF THE MEETING: Mr. GUNTUR HAMZAH (INDONESIA)**

Thank you from Kazakhstan.

**MASTER OF CEREMONY**

I would now like to invite the delegates from the republic of Korea, delegate from Korea, the floor is yours.

**KOREAN DELEGATE**

Speaking on behalf of the Korean delegation, i would like to make a little, small remarks to all of you. first of all, we are very pleased to see all, most of the members share the understanding that permanent secretariat is necessary for the development of the AACC and my secretary general, Mr. Kim is going to elaborate further on our proposal on the eeh... the amendment of the statue and on our response to one of the major issues regarding General secretariat... he is going to continue his presentation

**SECRETARY GENERAL: MR. YONG HUN KIM (KOREA)**

Yes, my fellow secretary general and distinguished delegates. let me first express my thank to secretary general Guntur Hamzah and other members and staff of the constitutional courts of Indonesia for perfectly organizing this, first meeting of the secretary general of the AACC. It's my great honor and pleasure to address my distinguished colleagues here today. As you can see from these slides, I have eeh... three subjects to present it to you today. My presentation is divided into three parts, I will first elaborate on the proposal by constitutional courts of Korea for amendment of the stature. Then I will respond to one of the major concerns raised by members on joint secretariat and lastly I will make some points, it's a call for exception. Before going into details, I'd like to first explain the basic approach, the constitutional court of Korea..., the amendment of the state of the association. We propose to take trial approach in other word, we lay out only the general ideas in the statue named in article 11th and 22 and stipulates the details "unclear"... to be adopted by the board of members. This way, we'll be able to establish a basis for the permanent secretariat in the statue, while providing supplementary details in a



separate document in a lower level. We believe it is not-desirable to stipulate all the specific details in the statute. For your information, to steeply to order specific details in the statute, for your information, the detail of the decision for this decision basically along the same lines of the joint proposal presented by the constitutional court of Korea and Indonesia at the last meeting of the Secretary General. Then we get into details about proposal, first article 11 we proposed to introduce the concept of the secretariat of the YACC, the secretariat is composed of secretariat of the termed presidency into common secretariat that will be laid out in article 22, since setting about permanent secretariat is a new initiative for the AACC, never tried to be implemented before. Many members have been curious about, how the divisional role and mutual relationship will be established between the secretariat of termed presidency and the newly established permanent secretariat. We came to this idea to address such concern, after that in article 22 we propose to define that general law...been sent out before ... for the details.

Next, the relation between secretariats, in order to properly understand this relationship. We need to understand the tasks of the individual secretariat first. As you all know the presidency of the AACC is burdened to be heavy...as you can see in these lines. The termed presidency has to organize the meeting of the board of members and the congress and other international events every year during its term. At the same time it is tasked to attending the bureau meeting of the presidency the presented to the AACC. The walk through out of the AACC in fact are overwhelming, when we consider the experience at our court any court any court new relation to ... will need considerable time...obviously prudence of our pending issues. At the same time you have to gain assistance from others to obtain materials and information. This is served consumes considerable amounts of time and disposition and this means all needs to own it has the difficulties and limitation in planning and pursuing other activities or permanent nature while all needs such it's project, this is ... appear the role of the permanent secretariat come into play. Our combination of key materials and insurance of continuity of the information are some of the key nationals for creating common secretariat.

Aside from providing information and other assistances for regular meeting of the AACC. The permanent secretariat should've focused on function of permanent in long term nature that should be delivered regardless of the term of the presidency and I believe this is why the th...the presidential of experience AACC such as Korea, Turkey, and Indonesia have the same opinion that the AACC need is a permanent secretariat, as one of the organ of the AACC, the permanent secretariat needs to obliged the... to report to the board of members and thereby to the president. But, aside from that, given the nature of function of the permanent secretariat, they would working on their own responsibilities, from our perspective, the idea of placing it under the supervision of the secretariat of the termed presidency, doesn't look viable, it is not natural for an origination with a fixed term to oversee body of

permanent nature. When we see the examples of others international organizations..... Linguistics Groups, the relationship between the secretariat of the termed presidency and their permanent secretariat is not vertical but horizontal. We believe that this practice will also be established in the AACC overtime in experience. Next, I will explain our opinion regarding major issue raised by few members. As you see in this slide the question is whether the matter of joint secretariats... is it efficient? Some causes point out that the joint secretariat would not be efficient as a singular secretariat. For that, I needed to emphasize that Korea and Indonesia are not sharing the same functions in this model, whether they will take charge separately in different unit of functions. There is a research in development of secretariat in the planning and coordination of secretariat respectively. As we are aware of such a concern for efficiency, we will very careful in deducting the model of joint secretariat. The two causes will be assuming different roles and functions on their own visions and responsibility. We shall now redundant our overlapping functions between them. So, we believe the possibility of inefficiency arising from it will be very low. In this slide, let me give you some examples of international bodies that have adopted a model similar to our joint secretariat model. Among others, let's take the example of the Asian organization or supreme audit institution, known as ASOSAI and the European parliament that apply multiple places of works to deliver their objectives. ASOSAI is an International Association of Supreme Audit Institution in Asia and it takes decentralize the model. General of the administered functions are carried out by the Korean supreme audit institution and functions that related to capacity building are delivered by counter party in Japan. In the case of European parliament, it upheld three places of the world, without the compromise of the efficiency.... Besides that, we believe we should join the secretariat, the AACC will have more flexibility in accommodating demands of the AACC members that quite diverse in relations, cultures, races and so forth. This is a great benefit given the unique institutional way of Asia. Please take a look, at some of the potential strengths that the joint secretariat can bring to us in this slide. The constitutional court of Korea and Indonesia have walked the enclosed consultation with each other, in preparing for the joint proposal and disclose need of partnership between two causes will certainly get stronger and become more effective when we have a joint secretariat. We also plan to override consultative meetings on annual basis between the two permanent secretariats and the secretariat of the top presidency, to facilitate their close coordination and cooperation. This way, we'll be able to walk in a new form of governance that is suitable for Asia that values harmony and coherence among others. Finally, I want to make a few points before I close. As you are all know, thanks to active participation of all members that the discussion of the establishment of the permanent secretariat has developed to a great extent so far. We have had the four meetings with our secretary generals, included today's meeting and one meeting of board members. I believe now the AACC has majority enough for us to make a decision, given the reality and circumstances we are in, as we pursued the establishment of a permanent

secretariat such as the limited time of our president and chief of justice. The availability of financial authorities and public insurances, this is a task that can be done only at a time when we have the momentum. At the moment, we have members such as the constitutional court of Korea and Indonesia, for having stepped up and are willing to take the heavy responsibility of running the permanent secretariat. And thankfully we have had active participation from all members and each common understanding. This is why I believe it is the right time that we made a final decision in this issue. On their note, I would like to express my hope that members will reach an agreement and take a final decision at the upcoming meeting of the board of members

**MR. YONG HUN KIM (REPUBLIC OF KOREA)**

**SECRETARY GENERAL**

...have made a final decision in this issue. On this note, I'd like to express my hope that members will reach an agreement and take a final decision at the upcoming meeting of the board of members on this matter of great importance. I'm sure it will set a new milestone for the development of the AACC. With that, I will conclude my remarks. Thank you for your attention.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you for the Republic of Korea delegation for the speech. I think the efficiency in the constitution of the internal organization from two examples that has been illustrated by the Republic of Korea is very relevant to show how effective a permanent secretariat is. For example the BPK, or the Indonesian Supreme Audit Committee and also on the effectiveness of a joint secretariat. Next, I'd like to invite the delegation from Kyrgyzstan. Please proceed.

**MR. TURARBEK MASYBAEV (KYRGYZSTAN)**

**SECRETARY GENERAL**

Thank you very much. The proposal about a joint permanent secretariat would be an important mechanism for the Association, and the very concrete presentation from our colleagues from the Republic of Korea. Therefore, I think we can more bravely take our decision and resolve this question today. If there are any errors, I think this can be corrected later on. Therefore, I think we fully support the idea of establishing a permanent joint secretariat for the Association. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you to the delegation from Kyrgyzstan. And next, I would like to invite the delegation from Malaysia.

**MR. ASLAM ZAINUDDIN (MALAYSIA)**

**REGISTRAR**

Thank you, Mr. Guntur. The proposal was sent on the 15th of July but for the information of everyone present we have sent another revised proposal which is actually more or less similar - just that we have made it more simplified compared to our earlier proposal. I believe Mr. Chairperson has received the proposal on the 15th of August. Basically what we have said in the proposal is that we strongly support that a permanent secretariat is a necessity for the Association.

I would like to clarify that when we recommended that the permanent secretariat is to be on a rotating basis for two years, what we meant was that the permanent secretariat for the Term President is to be rotated among the members who hold the position of the Term President. As for the two permanent secretariat that was proposed by Indonesia and also by the Republic of Korea, that will always remain as the permanent secretariat to be hosted by Indonesia and Republic of Korea. So, we have no problem with that. We would still support that Indonesia be in charge of the permanent secretariat for Planning and Coordination and the Republic of Korea will be hosting the permanent secretariat for Research and Development.

We also propose that the member who becomes the Term President of the Association will host the secretariat for the Term President. And officers and staff of the secretariat may be selected from among all the members of the Association and matters pertaining to the administration and management of the permanent secretariat shall be handled by the Term President of the Association.

We have also given a draft amendment to the statute which is in the appendix. And as far as the proposal for the Russian language to be added as a working language of the Association, we also fully support that proposal because we are aware that many of the countries in the Association use the Russian language in their affairs. So we have no problem with that. Finally, we would also would like to say that the board of members being the central decision making body according to the statute in article 13 of our statute. So therefore we would suggest that this proposal will be tabled to the board of members to let them make final decision. Thank you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you to the delegation of Malaysia. Are we all agreed with the joint secretary with a note that there should be a rotation every two years time.

**MR. ASLAM ZAINUDDIN (MALAYSIA)**

**REGISTRAR**

We'd just like to add that two years is our proposal because the Term President is for two years. That's why we propose the two years to be the secretariat for the Term President. But, in the event that the Board of Members decide otherwise,

because they are the central decision making body of the Association, we have no problem if the Board of Members decide that the Term President is more than two years, or even five years or even more than that. But, the two permanent secretariat which is Planning and Coordination which is headed by Indonesia and Research and Development which is headed by the Republic of Korea. This always in their office.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

We have already heard the views from Malaysia, thank you. And now we'd like to invite Mongolia.

**MR. SORONZOBOLD NOROVSUREN (MONGOLIA)**

**HEAD OF DEPARTMENT OF COOPERATION, INFORMATION AND TECHNOLOGY**

Thank you to the Secretary General of the Constitutional Court of the Republic of Korea for the interesting and essential presentation. I would like to extend my gratitude for the sent proposals from the Constitutional Court of the Republic of Korea, Indonesia and Turkey. We have thoroughly analysed in detail all of these proposals.

After we have analyse all those proposals, we support the proposal from the Constitutional Courts of the Republic of Korea and Indonesia to establish a joint secretariat. I would like to mention that there should be thoroughly determined the range and assignment of task and duty of the secretariat. Also, there should be provided with a provision of human resources of the Association.

In case of the establishment of joint secretariat, we would like to make an amendment to the article 22 of the statute of the Association. If an Association should have a permanent secretariat, the regulation of the permanent secretariat should be approved by the Board of Members. Thank you for your attention.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you for the delegation from Mongolia. Now, I would like to invite the delegation from Myanmar.

**MRS. MAY HSU HLAING (MYANMAR)**

**STAFF OFFICER**

On the 15th of July 2016, our Tribunal approved the proposal to establish of joint permanent secretariat of AACC. Our Tribunal support the establishment of joint permanent Secretariat. I believe that proposal will contribute to the AACC. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

We have heard the views of Myanmar, and next I'd like to invite the delegation from the Philippines.

**MRS. ANNA-LI PAPA-GOMBIO (THE PHILIPPINES)**

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR**

Thank you, Mr. Chairman, I just have 6 points of the proposal on the table. The first one is, The Supreme Court of the Philippines recognize the need to establish a secretariat as established under the AACC statutes. So there really is a need to amend Article 11 to include the secretariat as one of the established organs in AACC. Although, as you may have seen already in the proposal of my chief justice, unlike the other proposals where the secretariat is considered as one organ, in her proposal, she proposed that there will be a host secretariat and the permanent division.

Now with that, let me assure those who have concerns about calling the permanent unit in Indonesia and the Republic of Korea. Let me assure you that the concern has already been relayed to my Chief Justice, and expect that this concern is already being studied by her office right now and expect also that she will have her position by tomorrow on this concern.

The chief justice also would like to reiterate her proposal that the permanent units -- I hope you don't mind if I call them permanent units at this point because of the standing proposal of the chief justice to call the permanent divisions. So the chief justice reiterate in her proposal that the permanent units should have limited terms at this point, and in fact in her proposal she said that there will be a permanent secretariat in such number and with such functions as may be agreed by the board of members.

And in terms of solution, she is supporting the idea of at least dividing the permanent functions of secretariat to two, akin to the Indonesia and Korea proposals. But again, let me reiterate on her behalf that she proposes that there will be a limited term and only as an interim solution to give the board of members the opportunity to study the matter and to also give them the opportunity to establish, maybe, a singular secretariat in the future or more permanent secretariats in the future, so this is really for her an interim solution.

Now let me also voice out some concerns of the chief justice in the Korean presentation a while ago. You said that the major task for the Term President is really to us limited to organizing the BOMM and attendance in some international conferences, and again for year two of the organization of the BOMM and the Congress of the AACC. I would like to put on table some questions of the Chief Justice. The first one is how does the member countries really see the role of the term president in terms of overseeing the implementation of the decisions of the board of members, especially with the Korean presentation a while ago. So we



would like to ask the other delegates to clarify what do you think should be the relationship between the term president and the permanent secretariat, especially in between board meetings and also in the matter of overseeing the implementation of the decisions of the board of members.

And the fifth point is I am sure you're aware now that you have all received the proposal of the chief justice, and in her letter she reiterate her willingness and readiness to really co-head the Research and the Development unit within the AACC. And she has pointed out that the Supreme Court of the Philippines is perhaps one of the oldest constitutional court right now - if not the oldest. And again, let me reiterate on her behalf, her willingness and desire to co-head the Research and the Development unit to be established in AACC. And with that, may I request to the Chairman, considering that we have not received final words from the chief justice that her proposal be submitted to the board of members meeting tomorrow as is. Thank you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Okay, thank you. I will now invite the delegate from Russia.

**MR. VLADIMIR SIVITSKIY (RUSSIA)**

**HEAD OF SECRETARIAT**

Dear colleagues, I think today nobody objects that permanent secretariat is necessary. The discussion is only about the approach to the form of the permanent secretariat. Will it be joint? Will it be a single secretariat, and the different approaches to terminologies. The idea that the secretariat is necessary, I think, we have a consensus here. Irrespective of the approaches to the form of this permanent secretariat, we think that the...

**SECRETARY GENERAL MEETING**

permanent secretary will it be joint, will it be single secretariat and the a different approach to terminologies the idea of that permanent secretary is necessary i think we have a consensus here, irrespective of the approaches to the forum of these permanent secretary, we think that the ...decision about these question cannot be delayed anymore with regards to the member of the association that will be in the frame of the congress, the decision about these will necessarily will have to be made certainly we need to aim for a consensus but if for one reason or another, the consensus cannot be achieved or it's beyond reach certainly we should be able to accept to make the decision without 2/3 majority or a different way about the different form of the propose secretary so that we can advance forward in order to solve or decide on this question, what I would like to pay attention on in making these decision about the permanent secretary today we could draw lines between two juridical decisions . The first one would be the formulation about the statute of the association in regard to the permanent association and the second is would be a concrete decision about the form of the permanent secretariat and about where this

permanent secretariat will be hosted or located so in regard to these i guess these would be the two quotations that would be proposed for voting about the amendment to the statute and the second is the work and question about the form and location of the secretariat. So in regard to these dear colleague I like to note that the proposal about the formulation about the amendment to the statute of article 22 that Korean delegation has proposed I think it's actually universal it would be, it would fit any model of permanent secretariat that would be decided, what is important is that in the amendment the construct that is proposed by the Korean delegation short of solved the problem of how the permanent secretariat will relate to the secretariat of the presidential cost and as well also it will decide on the role of the chairmanship of the permanent secretariat as well as the secretariat of the presentation court so the model of relationship between the formulation of the statute as proposed by Korea it is all stipulated there as a whole so its regard also i would like to note that there isn't that much different between those models that are propose by Korea and the forms that are also propose by Malaysia and Philippines. Actually, generally the, it's only about the nuances of terminologies for what term, how long the secretariat would be funded, I think this question can be short of decided in an optional manner in the short of a discussion framework for to what and for how long or for what term that is permanent secretariat would be established. I what I would like to say is that for today regarding the concrete form of the permanent secretariat, I think my impression is the proposal of Korea in Indonesia is has been more advance in that regard so in order to not delay these any further I think we need to be making decision about which form that we are going to decide in order to advance if in the future something is does not suit well for the association about how this permanent secretariat would work i think the association may make another decision in time but for the time being i think we need to advance, we need to move on thank you

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH (INDONESIA)**

Yak baik terimakasih delegasi rusia. Thank you delegation from Russia I guess has been emphasised from the delegation of the Russia with regard to the establishment of permanent secretariat, we should not further delayed this decision so therefor we need to immediately draw decision and the form whether is joint secretariat single or rotating secretariat needs to be agreed by the end of this meeting this afternoon. So that's for the form of the secretariat as well as location and the amendment of the statute, Philippines has asked same the question relationship between presidential secretary, secretariat and the permanent secretariat have also listened or heard from the Korean delegates there elaboration about the different task between the two secretariats, the secretariat of presidency and the permanent secretariat.

That should be under article 11 of the association statute the presidency secretariat is to serve the president in doing his work. The appointed president during the period. I guess those are responses from questions both from Philippines and Russia.



Next I would like to invite the delegates from Tajikistan, the floor is yours.

**Chief of Staff of the Constitutional Court: ABDULMAJID GULZEDA (TAJIKISTAN)**

Thank you very much, the decision regarding the permanent secretariat needs to be made very thoroughly in order to ensure that the advancement the Association in the future. In regards to the decision about the form of the association as a, decided by eee, as proposed by Korea and Indonesia I think this is has been the one that is more established at this point. Thank you.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH (INDONESIA)**

Baik terimakasih delegasi Tajikistan, Thank you Tajikistan, I would now like to invite delegates from Thailand.

**Constitutional Court: PITAKSIN SIVAROOT (THAILAND)**

Well according to the agenda about the permanent secretariat. There are five other consensus court of Kingdom Thailand. Is happy to support the idea of the advancement of permanent secretariat. In the term of the Thai secretariat.

Because we see the importance of the advanced admission, even though unity is quite important for our community but at the same time we see beyond the expertise and efficient. *Submission* of duties was be about mutual interest for all the members in our association. And also we pay attention to the importance of there are fifth of Secretary General where our *eye* is person of the constitution court is holding the position of AACC president like Indonesia and Korea proposal.

We believe that in the future, our choices of ... can be expanded apart from Indonesia or Korea. It depends on a specialization and expertise of each country, for example Turkey. Turkey has advertise a specialization in personal development and training program. So probably in the future Turkey can post joint secretary in term of this kind of development, personal development. And probably there will be another kind of joint secretariat like a, like information and technology in the country which has advertised in this kind issue.

**THAILAND: PIMOL THAMPITAKONG**

Thank you very much.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Ya baik terima kasih. Right we have heard from Thailand, I would like now to invite the delegation from Turkey.

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Turkish constitutional court we are of the same opinion that mention in May, establishing a joint permanent secretariat in two countries is not viable and practical this will result in a difficult of coordination among the courts assuming this role and eh the term President. Therefore we support eh the model of establishing a permanent secretariat in one centre, in one country eh to be eh voted by the Board of Members, decided. At this point we would like our proposal to be voted by the Board of Members, which place eh a permanent secretariat in one country eh to descent redund.. not support joint proposal and maintain our proposal eh to be voted in the Board of Members meeting.

Eh also, permanent secretariat eh rotating areas six years would be an option eh or assess in every six years by the Board of Members to efficiency. Eh and another.. as part the amendment of the statute, we can incorporate general provisions by the amendment of statute as propose by Korean colleagues eh like general provisions. Then the Board of Members may take decision on the duties and powers or in which country.. in which centre it will located. Eh maybe decided another additional decision, not by the statute. Eh.. Thank you very much.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Ya. Baik terimakasih delegasi Turki kita..

Thank you Turkey. Secretaries, Secretary Generals, distinguished delegates, we have heard all views and the.. as in the previous Secretary General meeting in May 2016, we've heard no significant difference of views and the result which we're going to decide here today will be extended to the Board of Members meeting to be further agreed by the Head of Constitutional Court or the Chief of Justices, but we still need to assist the Chairperson, the President during the Board Members meeting tomorrow so that the decision that they're going to make will be done faster and easier. My view, I would like to use the approach that is used by the Russian delegates. I think firstly we have to make or to decide on the establishment of permanent secretariat because we have discuss this for quite sometimes for two years. For the past two years discussing about this matter and today the view from each country members or each member of the association has agreed on the importance of the establishment of permanent secretariat as been expressed by Russian delegates.

So the establishment of permanent of secretariat is agreed by all members, all states. Because with the existence, with the presents of permanent secretariat we will further strengthen the presidency secretariat to.. in implementing its work. The question lies here, which I have noted and accommodated. In general, the delegates, so in general, all delegates agree to establish a permanent secretariat. That's first and foremost.

The second view, the form of the permanent secretariat in general from what I have captured from our discussion is mostly.. The member mostly agree to a joined secretariat. So we are moving towards joined secretariat with notes from delegates of Turkey ehm is in objection to the joint secretariat and prefers single secretariat. Other notes from Malaysia, joined secretariat but with a certain period of appointment five years or six years to be agreed by the state members. At the Secretary General level, can we decide, one more note from the Philippines, which suggested the establishment of state secretariat, permanent secretariat but with a certain period of time or ten year. This are notes that I have taken..

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

We can from your views, delegates, but mostly in general we are moving into the direction of a joint secretariat so therefore, can we make the burden of work of the Board of Members Meeting tomorrow easier by deciding or approving at this level, to agree that in general the state members at the Secretary General Meeting level has express its idea to move towards a joint secretariat establishment. If we can adopt this decision, the Board of Members Meeting tomorrow will be somewhat easier in making decision and not prolong the process of discussion. The second issue regarding the location, there are two views, first being as proposed by Korea and Indonesia where the joint secretariat will be, for planning and coordination, will be located in Indonesia, as for research and development to be located in Korea, that's one motto, one approach. The second approach is to open up or to make divisions under the secretariat from other state members to take on the role of different division under the permanent secretariat, but still within the form of joint secretariat. The fourth issue is related to the amendment of the statute, all state have agreed for amendment of statute if the establishment of permanent secretariat can be adopted at this level. If there's no objection on this matter, I do hope that we can achieve a consensus for this matter, because the general trend or the general view is moving towards the permanent secretariat and the joint secretariat form, if there should be voting method, we can, but we will try to avoid voting and we shall try to achieve consensus, should it is difficult to achieve consensus, perhaps we can discuss some more so we're trying our best to achieve consensus. So can we now first agree at this Secretary General Meeting level, to establish a permanent secretariat, that's the first, the second, to agree a joint secretariat with some notes, with some notes, from Malaysia for example, should be limited for a certain period of time, notes from Turkey to opt for single permanent secretariat only in one state, not a joint secretariat, and from the Philippines to propose on the same function but

to be limited for certain period of time, I guess that's, or the matter that we need to agree upon today in the session. Any views, any additional views, Philippines?

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATION: MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

First point by the chairman if it is already, there is already a consensus among all delegates that there be an established permanent secretariat again I would like to post on record that the Philippines, under the Philippines proposal, we are not calling them at this point permanent secretariats but a divisions, ehm, that's why I've been, ehm, calling them since my dialogue more than a while ago as permanent units because under my chief chassis proposal, she has not called it permanent secretariat, so ehm, I would like to have that on record and like I said, I know there's a concern with her proposal cause it seems to have given the impression that there's a vertical relationship between the whole secretariat meaning the secretariat organized by the term president and the permanent units are proposed by Indonesian-Korea, and even the similar permanent unit under the Turkish proposal ehm, again, let me assure you

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATION: MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

That that concern has already been relate to my Chief Justice. Hmmm.. So...I would like to post on record, hehehe, our annotation... about the Philippines ... hmmm... concern calling them as permanent secretariat. And then also hmmm... with the matter of er...join or similar secretariat again, hmmm under the Philippine proposal we have stated that yes..hmm..there should be a permanent unit in the aacc, but er.. Should be in a such number and with such functions as maybe decided by the board of members. And to us at least under my chief judges' proposal. Mm... whatever permanent unit that will be established, whether under the Indonesian - Korean proposal or Turkish proposal that it be nearly an entire solution at this point and that's why, mm, she has also put on er... Her proposal that it'll be in the limited term. Because, mm..this will really give mm...leeway to the board of members to later on review mm....the efficiency or the viability of joint secretariat or singular secretariat as we'll never know maybe after the interim period the board of members would like to see a singular secretariat or maybe more than two secretariat. So this why we are in, her proposal she has really brought to table mm... This mmm... establishment of permanent unit as an interim solution. And again let me iterate the question of my chief justice with respect to the relationship between the permanent unit and term president, Russia made the point that under the..er..Korean amendment, amendment proposal, It is quite established already what really the relationship between the establishment of permanent secretariat, permanent unit secretariat and the term president but let me point out again, the amendment, I'll just read from the amendment of Korea, it says here that the president of the association should execute the overall direction of the activity of the secretariat and of the association or secretariat of the association that would appear try to give the relationship

between the term president and the secretariat. Mm.. In term of overseen implementation of the board of members, implementation decision of the board of member but at the same time if you read further it seems to have limited the function of the term president as merely to coordinating the congress and maybe the board of members meeting that is somehow reiterated in the Korean presentation a while ago. So again let me put that on record, the concern of my Chief Justice with respect to that, let's just set aside first the role of the head whole secretariat in that relationship. What will be the relationship between the term president and the permanent units hmm...to be established? How does the term president relate now to the secretariat in terms of oversee the implementation of board of members because it seems to have been limited to organization of the congress and the board of members meetings. And again also let me re-iterate and i hope you forgive for being repetitive. Mm... How will we facilitate the sharing or co-shepherding of the some permanent function that would be established in the proposal or under the proposal? Hmmm...again, the chief justice would really like to co-shepherd the search and development. So i hope that would be clarified today... Thank you.

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

Thank you to the Philippines delegation to re-iterate again and explain again the views of Philippine as has been stated by the delegation from Philippines, who come from supreme justice of Philippines. And first of all is on the permanent division. And we have already noted down the note from the Philippine and of course we have time and time again discuss the same issues and we of course really respect and appreciate the views of everyone here in this room from the delegates but at the same time we all are aware that as the Philippines delegation has mentioned that at the final point we have to make a decision and of course this at the final point must have the approval of the boards of members meeting and we the secretary general here are only giving inputs and only giving recommendation and it's up to the boards of meeting to decide . But, to make it easier on the boards of meeting to make the decision, of course we need to give..give them a map, road map so that the meeting will be easier for the board of members tomorrow. And to..

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER: MR. NOOR SIDHARTA (INDONESIA)**

Make it this easier I see in here if there are any views, different views, we directing towards an agreement to form a permanent secretariat. The majority of the countries here are looking at the importance of the joint secretariat, and the joint secretariat that we are going to establish is going towards a joint secretariat with notes as has been said as it's mentioned by the Philippines, by Turkey and also that has been stated by Malaysia. So I think all these notes are very important to enrich the views of the Chief Justice when they conduct the Board of Meeting, so that they

will make the final decision as has been what it should be, whether the notes are still included and to become part of the joint permanent secretariat as a certain model, this is all in the hands of the Board of Members Meeting, which will make the decision tomorrow. But on this occasion, at the Secretary General level, I think we do not have any objections if we can conclude and make a recommendation, a sort of recommendation, to first of all, at the Secretary General level we all agree that... we all agree to form the permanent secretariat. So we all agree the importance of having a joint permanent secretariat. And number two, the majority of the Secretariat General and the delegates, the majority are directed towards that the permanent secretariat be in the form of joint permanent secretariat in the variation that has been proposed by Malaysia, the Philippines where basically it's about the same. And also there are additional notes from Thailand and also accommodates the activities such as, the activities that has been developed by Turkey, like summer school and other activities, these are ways to enrich the joint secretariat. And the final note is that Turkey is still in its stance to...with a joint permanent secre...with a single country. So I think is...this is a decision that we can make, or maybe there are other views, please? Malaysia? Proceed. I see there Malaysia. Wait, after Malaysia I will ask.. I will give the floor to Korea. Please proceed.

Please proceed, Sir. Who first? Korea, okay.

**SECRETARY GENERAL: MR. YENG HUN KIM (KOREA)**

Actually the points that we would like to made, was already made by Your... by the Chairman, so we are in total agreement with the points that you made and we think that the terminology the.. regarding the permanent.. whether we can call it permanent secretariat or not, we ...we noted that vast majority of the members here are in agreement of calling it permanent secretariat, although there are.. there is a quoted like the Philippines quote that would like to use the term of divisions but more or less they are talking about the same thing and we can call t permanent secretariat at the moment at this level and the note of the Philippines can be further decided during the er...tomorrow's meeting, yeah. Thank you.

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

Thank you, Korea.

**REGISTER: MR. ASLAM ZAUNUDDIN (MALAYSIA)**

Thank you Pak Guntur, on my side I would just like to make several clarifications on the position of Malaysia in relation to the limited time, the limited time.... what I mean here is that just to... for the term of the president only; for Korea and Indonesia we agree that you are permanently have a role in that joint secretariat.

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

So what you mean is for the term president, just for the term president, limited time for the term president. Afghanistan, please proceed.

**MR. ABDULLAH SHAFEE (AFGHANISTAN)**

Frankly speaking, we are... it's about three years that we're talking about establishing the permanent secretariat so if we call the decision that we are going to make today, or tomorrow, and enter a solution, it means that we need to have a discussion of more than three-four years to find out the solution forever. So let's be very realistic er... and.. in my understanding let's call it a permanent secretariat; a rotating secretariat does not solve the problem ehm hm.. Excuse me, because the permanent secretariat technically speaking is

The bureaucratic body of the AACC. So if you put a deadline for its life meaning that you are not happy to maintain the institution's memories. So keeping and maintaining the institution's memories within the bureaucratic institution or units is very important for the continuation of eeh a bureaucratic activities and enhancing the functionality of the board of members and the congress, first. And my second point is that within the joint secretariat, I see one positive point that is the pulled resources. The resource is being pulled by the eeh eeh colleague from the Korea and colleague from the Indonesia that makes the life of the secretariat better, in term of the financial support.

Ehh hmm but there are also some other mechanism that can be established and enhanced, in a kind of cooperation between the permanent secretariat and the ehmm ehmm constitutional court of Turkey as well. That is, kind of MoU in the future between the "unclear" and the joint secretariat so that their resources can be pulled as well. We can make use of the professional expertise. The "unclear" and the joint secretariat and other members. Thank you very much.

**CHAIRPERSON OF THE MEETING: Mr. GUNTUR HAMZAH (INDONESIA)**

Thank you to Afghanistan, so in principal, we just like to stress again the importance of permanent secretariat with the joint secretariat and of course by collecting and accommodating all the resources from the member countries in the implementation of the joint secretariat later on. So, I think this is a very valuable input and we should note it down in our meeting, this today. So I think we can all have an agreement in a consensus way, there are no... Everyone is at the same point where, first of all, we all agree, all the delegations agree that, there should be a permanent secretariat and that rotating secretariat is will not be used anymore, we will just use the permanent secretariat. Number one, hmm number two, we all agree that to direct the form of the permanent secretariat as a joint permanent secretariat. So, I think with terminologies that we can discuss in relation to this but we are going



to watch the joint permanent secretariat understanding with a note that like the Philippine has mentioned and also has mentioned by Malaysia. And for Turkey, I think because this is contradictory... it's not about agreeing to a joint permanent secretariat, I'm sure this is a note that Turkey is not in a position to approve or agree to the joint permanent secretariat but still in the position as a single country for permanent secretariat. So, I think for this occasion, we have moved on, move forward hh... for the past two years, we have been discussing this and it has been solved. It is relatively solved this today where the meeting of the secretary general today has pushed toward the formation of a joint permanent, ah, eh permanent secretariat in the form of a joint permanent secretariat, of course with certain notes and so hopefully tomorrow, the board of members meeting will be eh will be eh easy in making their decision.

As for the location for two divisions, first being Research and Development to be located in Korea as for eh hmm "unclear" and Coordination will be given to Indonesia and any comments? any input or resources from other member countries will be ah inseparable in building and strengthening the joint secretariat for it to be optimally used to support the objectives of this association. Four, we agree to amend the AACC statute, and for this level of meeting, we will limit that amendment in certain fields... not all articles, but only articles relating to the establishment of the permanent secretariat and also on working language which we will discuss in the next session... Based on our correspondences, the delegates have also pushed to promote the adoption of Russian, to be adopted as a second working language, I think we can adopt that and if we can agree on that we can move on to the next session, the board of members meeting preparation, if there's a view, any view? Turkey?

**RAPPORTEUR JUDGE: Mr. YUCEL ARSLAN (TURKEY)**

Let me clear my understanding, are we adopting Russian language? I think, right now as a second language? so, I would like to say some words about Russian language as a second official language, in principle we constitutional court we support Russian language as a second official working language of the association, we have some concerns about possible cause to be born by the member course if Russian be the second working language of the association and for example if we adopt the second language, we need to recreate Russian speaking persons at our court, we hold opinion that only for the regular meeting and congress we should consider the Russian as a language and for the correspondent, it's still be in English as Russian delegates offer to say I think, so we would like to state that we support in the condition that for the regular meeting. Thank you.

**CHAIRPERSON: Mr. M.GUNTUR HAMZAH (INDONESIA)**

So, that is the note from Turkey for Russian as a second working language. This is actually to be discussed in the next session for the preparation of board of members



meeting, but to make this meeting more effective, I deliberately start this discussion now in this session because base on the correspondences that we have received in general most member countries are agreed to adopt the Russian as a second working language, but we heard the note from Turkey to redefine the use of the Russian as the second working language, is it only for meetings or for correspondences as well for documents. Is it an official language for documents and correspondences from the letter we have received from Russia that the correspondences will be still conducted in English not in Russia. As well as documents still be conducted or written in English. So what it meant by Russia to adopt Russia as a second working language is merely for regular meetings and therefore we need to prepare the adoption of such in our association that's the view that I have received or obtained from Russia but perhaps there is an elaboration or expression that we'll be conveyed by Russia.

**HEAD OF SECRETARIAT: Mr. VLADIMIR SIVITSKIY (RUSSIA)**

Yes, we are actually have prepared our proposal in terms of to infer compromise of pregl... with it intentionally proposed that the correspondences for the activity of the association shall be conducted in English. Especially in order not to burden all the participants to require the translation of all document into Russian as well. It was done... It is also taking into account when there is time then everybody can translate the English translation into any language that you would look. But, for when the activities of is conducted, it would be also important that this work such as this activities are also conducted at the same time in Russian. This is why we also distinguished in this manner the use of Russian intentionally in order not to burden other members of the association. Thank You

**CHAIRPERSON: Mr.M.GUNTUR HAMZAH (INDONESIA)**

*Baik terimakasih Delegasi Rusia, sekjen Rusia. Kita sudah mendengarkan tadi bahwa... so we have heard that Russian will be used only during official meeting*

Like we have had in previously, as for correspondences and legal documents are still to be written in English. If there is no more objection to adopt Russian as the second working language for official meeting like this one today. We can therefore recommend to board of members meeting, so that the board of members meeting tomorrow can easily and decide to adopt Russian as working language. No further objection, if that is the case, then we can decide with the consensus that Russian at this secretary general meeting level, which we will further convey to the board of members meeting have been accepted as the working language for official meeting of the association today and in the future. And we have also decided the establishment of a permanent secretariat taking the form of joint secretariat, where the planning and coordination secretariat will be given to Indonesia, as for research and development will be given to Korea. If there is no further objection we will end this session with the very progressive conclusion that we have taken, which will

further ease the board of members tomorrow, and hopefully the board of members meeting tomorrow will be done smoothly and effectively. I guess, those are the two decisions that we have drawn, for now we will discuss about other matters, because our schedule for this session is up to 11.30, and this is now is 11.45, so we have passed 15 minutes off this schedule. I do apologize for that, because, but we have a very fruitful discussion, despite the delay. I as share would like to thank you all for this session we have managed the progress far and this is the result of our work, our hard work, in order to strengthen of our role as an association, to further improve our association. Therefore, we can conclude this morning session, and we can break for lunch for a few hours, so we will reconvene 30 minutes after one, or 1.30. We'll now break until we see you again in 1.30. Let's give applause to everyone here.

#### **MASTER OF CEREMONY**

The meeting will adjourn for lunch. Lunch will be served at Room Uluwatu 5. We would like to remind you that the meeting will continue at 1.30 pm. Thank you.

#### **CHAIRPERSON: Mr.M.GUNTUR HAMZAH (INDONESIA)**

Like we have had in previously, as for correspondences and legal documents are still to be written in English. If there is no more objection to adopt Russian as the second working language for official meeting like this one today. We can therefore recommend to board of members meeting, so that the board of members meeting tomorrow can easily and decide to adopt Russian as working language. No further objection, if that is the case, then we can decide with the consensus that Russian at this secretary general meeting level, which we will further convey to the board of members meeting have been accepted as the working language for official meeting of the association, today and in the future. And we have also decided the establishment of a permanent secretariat taking the form of joint secretariat, where the planning and coordination secretariat will be given to Indonesia, as for research and development will be given to Korea. If there is no further objection we will end this session with the very progressive conclusion, that we have taken, which will further ease the board of members meeting tomorrow. And hopefully the board of members meeting tomorrow will be done smoothly and effectively. I guess, those are the two decisions that we have drawn, for now we will discuss about other matters, because our schedule for this session is up to 11.30, and this is now is 11.45, so we have passed 15 minutes off this schedule. I do apologize for that, because, but we had have a very fruitful discussion, despite the delay. I as share would like to thank you all for this session we have managed the progress far and this is the result of our work, our hard work, in order to strengthen of our role as an association, to further improve our association. Therefore, we can conclude this morning session, and we can break for lunch for a few hours, so we will reconvene 30 minutes after one, or 1.30. We'll now break until we see you again in 1.30. Thank You *Waallaikum salam warohmatullah wabarrakatuh...* Let's give applause to everyone here.

## **MASTER OF CEREMONY**

The meeting will adjourn for lunch. Lunch will be served at Room Uluwatu 5. We would like to remind you that the meeting will continue at 1.30 pm. Thank you.

## **SECRETARY GENERAL MEETING**

### **MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Distinguished Secretary General, delegates, we will now continue with the meeting of the Secretary General with the agenda, the preparation for the Board of Members meeting. Distinguished Secretary General and delegates, now I will present the preparation of the Constitutional Court of the Republic of Indonesia on the preparation of the Congress and Board of Members meeting. As we have explained and presented at the Third Secretary General meeting, the constitutional court has prepared things related to the meetings of the Board of Members and the Third Congress, and on this occasion the documents that is related to the preparation has been delivered. And of course, the Secretary General and delegates have received all the documents related to the preparation. And now, I am going to present to you several issues that is related to the preparation of the Board of Members meeting.

First of all, the time of the Board of Members meeting is Wednesday from 9 AM-4.40 PM tomorrow. And the venue is at the Nusa Dua Hall 1 & 2. The delegates, there are 14 out of the 16 members countries of AACC. And those will not be present are the delegates from Pakistan and delegates from Uzbekistan. The agenda for the Board of Members meeting, the first is the decision on the Association that we have already decided earlier and the second is on the discussion on the participation at the World Conference WCCJ. And the third is on the cooperation between CCJA.

The three agendas will be the points that will be discussed by the head of the Constitutional Court. And the final Board of Members meeting will be conducted on Friday the 12th of August 2016 at 2 PM-3.30 PM. The venue is in Nusa Dua Hall 1 & 2, whereas the agenda is the report from the President of AACC for 2014-2016 period and then the discussion on the Bali Declaration and also the appointment of the president for 2016-2018.

And then, the Third Congress of AACC that will be conducted on Thursday and Friday on the 11th and 12th of August 2016. And the venue is Nusa Dua Hall 4. And the members of the Congress in accordance with the statute is the members of the AACC countries, and number two is the observers who are going to be present from the Venice Commission, CCJA, Asia-Africa Constitutional Court and invited countries, and third the invitations from foreign countries, and also domestic guests. In total there are 593 people and the theme of the Third Congress is '*The Promotion and Protection of Citizen's Constitutional Rights*' with the first sub-theme for the first session is '*The Mechanism for the Promotion and Protection of*

*Citizen's Constitutional Rights Perspective from Different Countries'*. The second sub-theme for the second session, *'The Rule of Constitutional Court and the Equivalent Institutions in Promoting and Protecting Constitutional Rights through its Landmark Decisions'*.

The third sub-theme for the third session is *'Challenges and Future Direction for Enhancing the Promotion and Protection of Citizen's Constitutional Rights'*, and then on the determination of the Chairperson in accordance with the Statute of AACC of Article 21, Paragraph 4, the Chairperson must be determined from inside the Board Meeting.

It is proposed that the Chairperson in the Congress will be the country that has once become the President of AACC and this case we'd like to inform you that for the first session, the Chairperson is from Turkey and then for the second session the Chairperson is the Republic of Korea and for the third session the Chairperson is from Indonesia.

In the meantime, this is what I have to inform you. We have distributed the document and I see everybody has a copy the document, and so for the preparation for the Board of Members meeting and the Congress, for the initial Board of Members meeting as well the final Board of Members meeting. We have already made all the preparation and nevertheless we hope that there are inputs. But before that, in relation with the agenda that has been proposed by our friend from Turkey who wishes that during the discussion in relation to the part that is not separated from the Board of Members meeting where we discuss about Bali declaration, hopefully we add an agenda that is related to Turkey whereby it is in our effort to strengthen the effort of democracy as a country that upholds law and human rights. Hopefully this will be mentioned, and on this occasion I would like to invite you to give inputs from the Secretary General and delegates on the preparation of the Board of Members meeting.

So if there are any input or response, please proceed. The response will be done in turn, or we go directly for those who wish to give a response for the Board of Members meeting and Congress, please go ahead if there are any responses from the floor.

**MR. VLADIMIR SAVITSKY (RUSSIA)**

**HEAD OF SECRETARIAT**

I have a request not to forget to include in Article 5 of the statutes in regard to the Russian language as the second working language, because I didn't hear that you said to include amendment to the statutes regarding this. If you could remark when this question would be discussed and what time is it in the schedule, and not to forget it?

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

In relation to the Russian language, I think we already agreed at the secretariat general level even though we are going to inform this for the Board of Members meeting that at the Secretary General level there are no objection and everybody propose that it is included as a working language in official meetings for official regular meeting. And of course this is related to Article number 5 in the Statute, so of course there are going to be revisions in relation to the Article 5 Paragraph 1, by adding that besides English as a working language in terms of official meeting. So that is related to the Russian language we have that discussed earlier. And in relation to the amendment of the Statute, this becomes one of the implications that we cannot avoid and it must be revised during this AACC so what has been conveyed from the Republic of Korea in relation to the changes in the Statute and also what is requested by Russia in terms of language, I think this is a part that cannot be separated because we have already agreed in the conditions of the joint secretariat, and we must accept that at the secretary general level with Russian as one of the working language.

Any more response? If none, or anything with regards of preparation of the Board of Members meeting. If none, then I would like to invite in alphabetical order, starting from the delegates from Afghanistan -- perhaps if you still have anything to convey, delegates from Afghanistan?

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

I have a slight confusion on agenda that I've received here on Wednesday. I think it's kind of different. On the 10th of August is the arrival of Board of Members, but at the same time on 10th of August we have a meeting of Board of Members. Is there a change or can we have some clarity, please? Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Okay, for the time of Board of Members meeting, in accordance with the schedule that we have distributed to you, on the 10th of August, we will start based on the tentative agenda that we have distributed to you on the 9th.

On the 9th of August, this should be the day where the delegates and Chief Justices will arrive in Bali or have arrived in Bali and the evening on the 9th of August, 7:30 PM to be precise, there will be a welcoming dinner until 9:30 in the evening and then on the 10th of August, which is Wednesday, the Board of Members meeting starts at 9 AM in the morning. So there's no changes here. So far it's still the same with what we have distributed to you, so we'll start with an opening session tomorrow at 9 AM and today, Tuesday 9th is the day where the Chief of Justices and Head of Delegations arrive to attend the Board of Members meeting in Nusa Dua

Bali, and this evening, we will have dinner at 7:30 PM at Sofitel Hotel so that tomorrow, the 10th of August, the heads of delegation will participate in the Board of Members meeting, so the agenda is still in accordance with what we have set out in the tentative agenda.

In that case, any comment? Any input from Azerbaijan?

**MR. RAUF GULIYEV (AZERBAIJAN)**

**SECRETARY GENERAL**

I propose that we should also pay attention regarding the Bali final declaration because to look at it from sentence to sentence, also to switch the final version of this declaration for tomorrow's meeting. Since the text is quite a big one, maybe it's better also to discuss it today to finalize it and to submit it for tomorrow's meeting. I mean the final version, because possibly tomorrow it will also be subject to some modifications..

**Secretary General: RAUF GULIYEV (AZERBAIJAN)**

Boards of members, thank you

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH (INDONESIA)**

Yak baik terima kasih. Thank you from Azerbaijan request that we discuss about the draft of Bali declaration, this is a good input if I may say but before we discuss or talk about that draft, draft of Bali declaration I would like to open invitation to all delegate to provide comment in regard to the preparation of the Board of Member meeting's and the third congress, the delegation from Indonesia please

**Head of Case Research and IT Management Centre: NOOR SIDHARTA (INDONESIA)**

Thank you Chairperson. As I've previously conveyed through my proposal this morning with regard to the appointment or election of the next president of the association which I see this very important. So perhaps we can assist tomorrow session by expressing proposals today at these level or shall we just start the whole thing tomorrow, because tomorrow we have to decide and appoint the new president of the association. Thank you

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Thank you delegate from Indonesia who proposed that in today's meeting we discuss as well about the preparation for the appointment or selection of the next president of the association.

Next Kazakhstan, the floor is yours

**Head of Personnel and Documentation: KUANYSH ALDONGAROV  
(KAZAKHSTAN)**

Dear Chairman, the Kazakh delegation proposes that with regard to question regarding the agenda of today and tomorrow, the day has to become the understanding about members of association, I think that tomorrow meeting, board of members meeting, for its success I think we already have all the necessary requirement at these point right now.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Baik terimakasih atas masukan. Thank you for your comments and input from Kazakhstan, we have taken a note on that, next I would like to invite delegate from Korea

**Deputy Director International Affairs: KOOK HEE LIM (KOREA)**

Those day we make all the necessary preparation if possible today so that the decision making in tomorrow session will be much easier so as em. Korea proposes that we want members discuss next presidency, as first time and tomorrow meeting and then we can finalize our discussion on the permanent secretariat issue. Thank you

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Yak baik terimakasih jadi. Thank you Republic of Korea also suggested that we shall prepare all that is needed for board of members meeting tomorrow and one of the matter, important matter being discuss today is the appointment or the next president for the association and thank you for that and next, I welcome and invite delegate from Kyrgyzstan

**Head of Personnel and Documentation: TURARBEB MASYBAEV (KYRGYZ  
REPUBLIC)**

I think we are ready to a proceed with tomorrow work, for me everything is clear and I do not have anymore question thank you.



**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Okay baik terimakasih. Thank you next i would like to invite delegate from Malaysia.  
Thank you

**Registrar: ASLAM ZAINUDDIN (MALAYSIA)**

We also agree with the suggestions given by my colleague from Indonesia, Korea and also the rest that we discuss everything today so that tomorrow it will be easier for the board of members to decide, the only thing that I would to raise is whether we can't buying the board of member in our decision, we can just propose to them and the final decision will still be with the board of members. Thank you

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Thank you to ease of head of delegation during their meeting tomorrow we can suggest all the thing that we need to suggest for tomorrow meeting by today. Thank you

The next delegation from Mongolia ?

**Protocol and International Relation Officer: BILEGJARGAL BAT-ERDENE  
(MONGOLIA)**

Our delegates consider that all necessary preparation will make so we will discuss everything in tomorrow meeting, boards of member meetings.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Yak baik terimakasih, thank you expressing similar view to make decision making tomorrow faster and easier and thus we need to prepare all the necessity today. Myanmar I welcomed the floor.

**MYANMAR:**

Meeting and the congress there is no question for.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Yak terima kasih. Thank you, next I would like to welcome the delegates of the Philippines.



**Deputy Clerk of Court En Bano Deputy Court Administrator: ANNA-LI PAPA-GOMBIO (THE PHILIPPINES)**

Mr. Chairman, um the added provisional agenda circulated among the member countries ahead of this meeting. We have no comments there on, um except that I don't know if heard you tried that you want the election of the third president in tomorrow meeting, but under the provisional agenda circulated this at the final board of members meeting and the Philippines is up the view that should be on final board of members meeting. With respect to the issue on the establishment of the permanent secretariat *uumm* I support the chairman suggestion that, you know I have no problem about aaa.. reflecting the minutes of the meeting that how most members are supporting the Indonesia Korean proposal on but again, let me read to read I'll just make a notations in the meeting so that the same will be brought to the attention of the board of members tomorrow.

And again iterating my request that the chief justice proposal be submitted to the board of members meeting as is, that's all thank you.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH (INDONESIA)**

Baik, terima kasih. Thank you, Philippines. The first question, the agenda for the appointment of the next president of the association is already incorporated in the agenda of board members meeting and particularly in the final board of members meeting, the second board of members meeting, so it is already incorporated in the final or second board of members meeting. The second note from the delegate of Philippines as we have agreed previously this will be noted with regards to the issue of the establishment of permanent secretariat in the form of joint secretariat but your note will be conveyed as is to tomorrow's meeting, thank you.

The next, opportunity for the delegate of Russia.

**Head of Secretariat: VLADIMIR SIVITSKIY (RUSSIA)**

Dear collages, there is this feeling that we may come up with the situation where there would be no candidate for the next chairmanship of the association, we also need to be prepared for the situation, juridically speaking, there has to be some short of preparation about, you know an amendment in a statute, in our statute what would happen if for the next period there is no candidacy for the next chairmanship or let say, no one candidate receives the majority support, you know in concrete terms I don't know how we can work a such situational in a wider discussion, wider circle. Perhaps there could be some preparation from the Indonesian side for instant, there has to be may be in a working folder for of the, of the present chairmanship to use you know, this material for discussion.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH (INDONESIA)**

Baik terima kasih delegasi Rusia. Jadi mengingatkan kita semua. to remind us all that until today officially, the official letter addressed in the secretary general's meeting in May 2016 we suggested that each country member will provide a candidate if they are willing to be the next president of the association but however until 15th of July, we have never received any letter of proposal for any candidacy of the next president so it is true what you have suggested the delegate from Russia. What we should do in the event that there is no candidacy put forward for the next presidency we have to come up with measures to address such situation if such event occurred, and we have to discuss about this I will provide an opportunity for each delegates to talk about this and we will discuss how to best address this matter and I believe this is a very valuable input for the head of constitutional court within their level at the board of members meeting, especially in the second or the final board of members meeting, thank you delegate of Russia and next we would like to invite delegate of Tajikistan.

**Chief of Staff of the Constitutional Court: ABDULMAJID GULZEDA (TAJIKISTAN)**

Spasiba. Well thank you very much. I think request also to include in the agenda, the amendment to the fifth statute eh.. six.. fifth article of the statute. The inclusion of Russian, let's not forget that question, please.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH (INDONESIA)**

Baik, saya kira apa yang di.. I think what is already requested by the delegates from Tajikistan we have already discussed and agreed to put it in the amendment, specifically article 5. Article 5 of the working language, where the Russian languages the working language.. one of the working language. I think this is an agreement in our discussion earlier this morning. I think we are going to add that in the amendment. In our amendment of the statute. Thank you Tajikistan. And now, we will request from Thailand.

**Constitutional Court: PITAKSIN SIVAROOT (THAILAND)**

Okay, thank you Mr. Chariman. We hope our discussion today can be easily proposed to the Board of Meeting tomorrow, but we consider about Bali declaration. We thought.. seen today eh about this declaration. So how to manage about this declaration?

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Okay baik, terimakasih. Eh..

Thank you. We must be more focus how to manage the Bali Declaration. Next, I'd like to invite the delegation from Turkey. Please go ahead.

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Thank you, Chariman. Ehm eh.. actually I would like eh to ask my question is in the same line as Thailand. Eh when are we expected to comment on the Bali Declaration? Eh.. do you want us to written the command or just on the Board of Members meeting in oral argumentation? Eh.. this my question, the same.. Thank you.

**Secretary General of Constitutional Court / Chairman: M. GUNTUR HAMZAH  
(INDONESIA)**

Baik eh terimakasih kepada para Sekretaris..

Thank you to all the Secretary Generals, delegates. We have listened to.. There are two note.. eh.. issues that I have noted down in relation the preparation, which is related to all the delegates. The first is on the elec.. appointment of the new President and number two is on the draft of Bali Decl.. Declaration. For Ba.. the Bali Declaration, of course we are going to show you the draft and we're going to give the inputs together. We are going to give inputs on what needs to be added in the Bali Declaration and we are going to discuss it now, but before we discuss the Bali Declaration, do we need to first before that discuss on the appointment of the new President? or deipot.. the election of the President?

Because this is also one the agenda, an important agenda of the main agenda during the Board of Members meeting. Perhaps, we could.. if there's no country that are willing to be the President, what is our attitude? What do we do as Secretary General and what can we say to the Board of meeting.. eh Board of Members meeting? Because until now we do not have country that is willing to be the President of the next AACC.. the next President of AACC.. or perhaps our hope is that during the meetings of the Chief of Justices, perhaps then, there will be an individual that will propose or willing to be appointed.

But if not, then I inputs from all of you so this can be part or the recommendations. What is the recommendation of the Secretary General of this meeting? If there are no candidates from all the AACC member ... to become the President. And before that we're going to discuss.. after that we will discuss the Bali Declaration. Any inputs?

On the.. for the election of the Pres.. the next President.. or the President for the next period. Any inputs?

Please, from Afghanistan.

**KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

Let me start without alphabetical ei.. Eh, a question; haven't you set ... candidacy to yourself?

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER: MR. NOOR SIDHARTA (INDONESIA)**

The basic principle is that Indonesia, of course because Indonesia is already in the position of ending its term of office now, isn't it better if the next president of AACC is from of course, from other friendly countries, the other friendly countries that will become the next president of AACC and of course that would be much much better, I think, where...for our organization, if the pres...term or president or the chairmanship is rotating from one country to the ne, other countries. So that this shows that whoever becomes the president is not from just one location but it moves on from one country to the next. So I think that is the hope of the president of or the chief justices, chief justices of the Constitutional Court of Republic of Indonesia, but if all the members has entrust Indonesia to be again become the next president of AACC, of course the Constitutional Court of Republic of Indonesia will not, will accept it. But it would be much, much better, if the next president of AACC is from the other member countries, that is the position of Indonesia, if Indonesia is given the opportunity to become the next president of AACC, I think that is my view for Afghanistan. And we are hope, we are hoping that we can be presidents in turn, the first is from Korea, the second from Turkey, and the third from Indonesia, and of course for the fourth will be another, other country, that would be much better for organiza, our organization if the next president is from another country. I think that is the position of Indonesia if we all, if it is agreed at the Secretary General level. Yes, please go ahead.

**MR. ABDULLAH SHAFABEE (AFGHANISTAN)**

I can translation, if there is no candidacy and eh, all the, that Indonesia should proceed with this candidacy, will you accept it or not, that was what I missed from the translation. Sorry.

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

Maybe from Indonesia, from other members of delegates? From Indonesia? Thank you, Sir.

**RESEARCHER: MR. PAN M. FAIZ (INDONESIA)**

I support if we can take turns, by this way we can all feel...we can all become the president of AACC especially with the permanent secretariat or experience as the president of AACC, of course Indonesia will support anyone who is appointed as president and we will assist the next president of AACC. I think that is the stance of Indonesia and all of us, we will assist the association so that it will reach its success, and if we think if Indonesia is willing or not, I think that is an option that if we have no other options at all, and no candidate at all, but we all know that Indonesia has never thought that it will become the president for the next term, we have a ma, so many members and we all have the same, I think we all have the same capacity, and of course from the support of the secretary from Indonesia and Korea, I think we can all do a good job of this.

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

Thank you, Delegates from Indonesia so principally we all have the view, that all member countries have the capacity. All member countries have the capacity to become the president of AACC and hope that the leadership of the AACC will be experienced by, in turn, by each of the member, the first is from Korea, the second is from Turkey, and the third is from Indonesia and so we hope that the next president will become from other countries. Perhaps in the mind of the delegates from Indonesia, maybe because Korea has once become the president and the Turkey has also become the president and Indonesia and the southern part has become president maybe we should move on to countries that is closed to Turkey. Here we have the Russian, Russia, Azerbaijan, Afghanistan, Kazakhstan, Mongolia, Kirgizstan, Tajikistan, they all have the capacity to be...

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

President of AACC and with the join permanent secretariat the next president will not be too burden because it is already supported by two permanents secretariat that is the join secretariat that is supported by Korea for research and development and Indonesia for the planning and coordination. And, thus, whoever the president, whoever the next president of AACC will be relatively not too difficult in leading, the fourth, or the fourth term of AACC. But as has it been mentioned by the delegation from Indonesia, if the trust is given to Indonesia, Indonesia is always prepared. And the same goes if the chances is given to Korea, Korea is also ready to accept the trust and mandate to become the president of AACC. The same goes for turkey who is also willing to and ready to become the president. So i think this is a very open option. And it will be much much better of course if there is a candidate from...Russia perhaps would like to say something on this issue? Yes, please go ahead.

**HEAD OF SECRETARIAT: MR. VLADIMIR SIVLSKY (RUSIA)**

I think I'd like to propose theoretical model to resolve this situation. If no candidate is found for the chairmanship, Indonesia in this case may become not the second. Not serve the second term for chairmanship but with the statue it could also be anticipated that the implementation for the next the... Er... responsibility will continue until er... no new candidate is found that would be acceptable to all members. So it is not that Indonesia will serve its second term, but, that it will continue to perform its functions until a new president is found without requiring to hold another congress. But, you know it will be sort of an extended chairmanship that will support the ongoing function of the association until a suitable candidate is found that is acceptable to all. So, if this possibility is also anticipated in the event, until such event that er... such a situation where congress is concluded and... that we may not necessarily required us to re-convince again but to sort of hold a vote through er... correspondence er... that you now the new presidency doesn't require us errr...getting together again. So this is a model not to er... give a second consecutive chairmanship to the..to Indonesia but an extension of its current chairmanship. You know this is a theoretical model that i like to propose.

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

Thank you, Russia, for your views. This will be noted for the Indonesian delegate but before that i would like to invite mm.. Delegate from Korea to perhaps provide their views.

**SECRETARY GENERAL: MR. YONG HUN KIM (KOREA)**

See of the next term of presidency, we would like to share an experience that we had for the world conference on constitution justice in 2014. At that time Korea was the host court of the third congress and there was no candidate found for the next congress. So what we did with the permanent secretariat, the verdict commission at that time was to wait until the candidate can be found. So, in that respect, our position is more or less similar to the one that propose by Russian court so the Indonesian court can continue its leadership until such candidate can be found. It does not mean that the Indonesian court should organize next congress, not that way, but we can take some time, wait some time, so that a court that is ready and willing to assume that role can be found. Thank you.

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

That's a very good suggestion. We have noted your suggestion, Korea. That's very good. Mm.. to... in giving trust to Indonesia to extend our term through the permanent secretariat. In a way so that Indonesia can still perform its function

as president until the next candidate or the next president can be found and agreed by chief justices. Those are good suggestions and... Can we accept this? Any other view from Afghanistan?

**MR. ABDULLAH SHAFARAE (AFGHANISTAN)**

I think I have similar view with our colleagues from Korea and Russia

...is that we are currently setting up and putting in place a new mechanism, which is the permanent secretariat. Meaning that we are experiencing a new phenomenon, a new mechanism. And if we have the previous term president, continue its functionality. So there is institution memory already and they are going to make the model a success for the future. If we change the leadership position and we bring something else new, as a mechanism, then it will be-- we will be facing kind of a vacuum of information which can possibly lead to er... some kind of er... efficiency or efficient--inefficiency, in the management and functionality of... of the... the association. So my suggestion is that let's make the model successful and let's continue as..as proposed by our colleagues. Thank you.

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

Okay thank you for your suggestion, input; very good ones. I would like to propose to all delegates, to all Secretary Generals, to adopt proposal from Russia, Korea, Afghanistan, can we agree on this proposal at this Secretary General meeting level to be conveyed to Board of Members Meeting agenda? Can we adopt this, agree? Yes, no objection seen. and Malaysia, any view?

**REGISTER: Mr. ASLAM ZAINUDDIN (MALAYSIA)**

In principle Malaysia support. Afghanistan, Korea.. just that uh... we do not want to burden any country to continue to be the er... president, but of course if Indonesia is willing to continue to be the term president for... for... for a bit more time until a new term president is chosen, we are... we welcome it yeah, we welcome it most... graciously we welcome Indonesia to continue. Just that we do not want Indonesia to feel uh... burdened, that the.. you know, nobody wants to take up the post therefore Indonesia has to continue; we do not want to burden any country or any member to... to... to take up the position. But I would also like to ehm hm point out that uh, article thirteen of our statute as what was proposed by my colleague from Russia just now about the mechanism for choosing a new term president, I believe that article thirteen of the statute is very clear that the board of members can... can choose or can decide any matters which are not stated in the statute. If you look at article thirteen paragraph uh... I, uh... sorry paragraph K, of um of the statute where any decisions or matters related to the association not specified in this statute can be decided by the Board of Members, therefore I would say that it is better, we can propose our Sec... our Sec-Gen level, we can propose to the Board of Members that



this is what we have decided to... to... to suggest or to propose to the Board of Members but the final decision on what is the outcome of the next term president or what is decision taken is still left to the Board of Members to... to make a decision. Therefore I would suggest that we do not uh... we can say that this is our proposal at our Secretary General level, these are the proposals that we have decided or we have deliberated on, but finally this, they are.. they are say rather they... what is the direction that they want to... to take, whether Indonesia will continue as a... we can say as a caretaker term president until the new president is chosen, or we can leave it to the Board of Members to... to decide. Thank you.

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

Thank you, Malaysia. So in principal, you avoid, you want to avoid to put burden to any member states for the presidential position for this association, but as you said in accordance to the statute of this association the Board of Members' Meeting can decide on any matters that is not specified on the statute. So this is a decision to be made at the Sec-- at the Board of Members, but firstly, being discussed at this level, the Secretary General meeting as well as to decide, because any president of AACC must be appointed and decided by the Board of Members Meeting. So that is clear, I think that was uh... what was conveyed by Malaysian delegate. Indonesia?

Thank you chairperson, from Indonesia, we are very honored listening to your proposal dear colleagues but if we can propose, if we can suggest because this is a matter of extension. If we may, from Indonesia, propose that when the board of member meeting decided we have to there is there is, there, should be a time limitation. We should be limited by time. the extension of such leadership shall be limited in time and and that should be something decided by the board of members meeting, Be it 3 or 5 years hmm as long as there is limitation of time decided by the member.

**CHAIRPERSON: Mr. M. GUNTUR HAMZAH (INDONESIA)**

I would like to clarify, it this is not Indonesia taking the mandate or the honor to take the next presidential, this is not an, this is just an extension until there is a candidacy that can be accepted by stake members so this is different context, this is not an additional but this is just an extension of term until the next president or the next candidate. so this is an extension not an additional term that is an input, noted and we have heard from the delegate of Indonesia that this requires in the board of members meeting to be decided, such extension to be decided for certain period of time. so if there is no more input and or comment, the secretary general and delegates, this meeting can adopt and agree on the on issue of the next of the association as conveyed by Russia, Korea, Afghanistan and it is agreed by all other delegates, i think this can be well noted on the minutes of meeting to be conveyed to the board of members meeting for them to take decision.

With regards to agenda on the appointment of president, we can conclude... it is adopted if there is no more objection then it's adopted. It has been agreed, Indonesia will be given an extension to act as a care taker if you will, until the next candidate is



chosen or founded and decided through board of members meeting. According to article 13 of the statute of the association. Thank you. Next on the agenda, we will discuss about the draft of Bali declaration. Organizing committee, have you prepared the script for Bali declaration? Can you please show, put up on the slide?

"Silent" please show the draft of Bali declaration up on the slide. "Silent" Indonesia, we would like to convey that on the document that you have before you on your table, on your hand about the draft of Bali declaration while waiting for these slides to come up, you also have the papers actually and all delegates have received the draft of Bali declaration and but of course it will be better if we can see that draft up on the slides so that we can make any comments for tomorrow board of members meeting. Can we put it up please? ... Is it up? So again, you have this draft before you that consisting of two pages, you might want to review the name of the Chief of Justices of head of delegates perhaps, if there's any mistakes or errors for us to review and make correction. Can we have the slide up please...? So, it is there... the draft of Bali Declaration entitled Bali Declaration on the Promotion of Citizen Constitutional Rights.

**Mr. NOOR SIDHARTA (INDONESIA)**

The promotion and the protection of the citizens' constitutional rights, the 3rd congress of the Association of Asian Constitutional Courts and equivalent institution, Bali, Indonesia 12 August 2016. First, we the president and representatives of the members of the association of Asian Constitutional Courts and Equivalent institution, AACC, had the 3rd congress in Bali, Republic of Indonesia on 11 and 12 August 2016 under the main theme of the promotion and protection of citizen's constitutional rights.

**CHAIRPERSON: Mr. M. GUNTUR HAMZAH (INDONESIA)**

*Yak, sampai di sini ada masukan? ada catatan perbaikan*

Is there any comment up to this point? Correction if you will? From any delegate on the draft of Bali Declaration. This Bali Declaration for the constitutional rights is accordance to the theme of 3rd congress which is protection and the promotion and the protection of citizen's constitutional rights. So that, it is entitled in such way, so the title bear Bali Declaration and constitutional protection... promotion protection of constitutional rights. If you have no comment on the first point, we shall proceed to the next point, Malaysian delegate? Thank you

**Mr. ASLAM ZAINUDIN (MALAYSIA)**

Thank you, with reference to the word 'representative and members' because members are countries... and so we say "we, the members of association ...." so we go directly "we, the members" because if we say "the president" this is referring to president of the country or the president of the court. "We, the members".

**CHAIRPERSON: Mr. M. GUNTUR HAMZAH (INDONESIA)**

Do we need the comma there?

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The... do not delete for the secretary team just underline, just give undo and underline it, just underline. Undo it... from 'the' until 'of' underline and strike 'of'

**CHAIRPERSON: Mr. M. GUNTUR HAMZAH (INDONESIA)**

Sudah? Yak, okeh.

Afghanistan?

**Mr. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

Of the "Bali, Indonesia" or "Bali, Republic of Indonesia"

**CHAIRPERSON: Mr.M. GUNTUR HAMZAH (INDONESIA)**

*Yak, jadi "Bali, Indonesia", not "Bali, Republic of Indonesia" karena ini menyangkut tempat. Not "Bali, Republic of Indonesia" because this concerns a place, the place is Bali where it is part of Indonesia, so "Bali, Indonesia". Thank you.*

**Mr. NOOR SIDHARTA (INDONESIA)**

We make the citizen, an after apostrophe s and make it collective noun rather than singular noun because we are working on for citizens right not individual. Thus, such as is noun. Thank you

**CHAIRPERSON: Mr. M. GUNTUR HAMZAH (INDONESIA)**

*Yak, citizens ya, baik. Ya, jadi "citizens" apostrophe. Ok, Baik. Ya, selanjutnya.*

Next?

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Next?

**Mr. NOOR SIDHARTA (INDONESIA)**

Association of Asian Constitutional Courts and equivalent institution. and regional, our language of this group of constitutional court or institution

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

In relation to experience concerning to mechanism can you add mechanisms with an 's'? If no more input, we are going on with the third paragraph i think we have already agreed on that. Next, third ...

**MR. NOOR SIDHARTA (INDONESIA)**

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

Experience and findings of the present congress we declare as follows: We re-affirm that constitutional courts and equivalent institutions have important roles for protecting citizen's constitutional rights against infringements through their decision. Therefore, we believe that constitutional court 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 systems of the government.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Fourth paragraph please proceed. Third paragraph. This is another item. Paragraph three, any inputs? Response? Comments? Please from Afghanistan.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

Can we please to make all 'citizen' to 'citizens' for the entire declaration? Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Go ahead, Malaysia.

**MR. ASLAM ZAINUDDIN (MALAYSIA)**

**REGISTRAR**

The word 're-affirm' without the '-ed'. No past tense for the word 're-affirm'. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Next, any comments? I do not see any more comments. We will now proceed.

**MR. NOOR SIDHARTA (INDONESIA)**

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

We invite the other constitutional and supreme courts in Asia to stand with us shoulder to shoulder in the AACC to uphold the independence of the constitutional court and equivalent institution for the protection of human rights, democracy and the rule of law.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Any inputs? Please go ahead, Afghanistan.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

The first paragraph let's be consistent that '*we re-affirm*'. So if we can make the first sentence of this paragraph, I think, '*we believe*'. So, it creates consistency. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

'*We believe in the constructive.*' Any more comments? Malaysia? After that, the Philippines.

**MR. ASLAM ZAINUDDIN (MALAYSIA)**

**REGISTRAR**

The word '*we invite the other constitutional courts*', can you change that into '*equivalent institutions*' besides the '*constitutional courts*' because Malaysia we have a federal court as an equivalent institution. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Okay. Go ahead Philippines.

**MRS. ANNA-LI PAPA-GOMBIO (THE PHILIPPINES)**

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR**

To change it to '*we believe in the constructive collaboration of original preparation and invite*' because we changed it to '*we believe*' then we change it to '*we invite*'. So to me, we are making two action words here. The first draft would have been okay, believing in the constructive collaboration of original cooperation *comma* we invite other constitutional. But since we are changing it to '*we believe in the constructive collaboration of the original and invite the other constitutional courts and equivalent institutions in Asia.*' So, constitutional courts and equivalent institutions. So we believe and we invite and then we. But otherwise I'm okay with the first draft.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Please delete '*we*'. We've changed it to '*we invite.*' What do you think? Add '*therefore.*'

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

That fine if you put like this '*and therefore invite*' so we can remove '*we*' as well because we have one '*we*'. '*We believe in the constructive collaboration of regional cooperation and therefore invite the other constitutional courts,*' In my understanding, the structure makes sense now. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So just use one '*we*'?

**MR. NOOR SIDHARTA (INDONESIA)**

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

Come back to the third paragraph. Without C, I think. '*Demoratic system.*'

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Next paragraph , upholding the principle.

**MR. NOOR SIDHARTA (INDONESIA)**

**HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

I think we have to be consistent about the other constitutional court and equivalent institution like the title of our Congress.

Next, upholding the principle that every constitutional court and equivalent institution should be freed from undermining intervention by the other branch of the state power and observing such intervention debilitate the independence of the court in implementing its significant role as the guardian of democracy and human rights. In the recent events, we encourage that all members of AACC the need for the embodiment of independent judicial power.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

I will give the opportunity to the floor if idea from the Turkish delegation can be included in this paragraph, or you need to make changes, and before Turkey I would like to invite Azerbaijan to give your comments.

**MR. RAUF GULIYEV (AZERBAIJAN)**

**SECRETARY GENERAL**

Thank you Mr. Chairman. I would divide my suggestion into two parts. Firstly, I would like to say that the proposal of the Constitutional Court of Turkey regarding the necessity of mention the requirement and the demand to protect democracy from any kind of *coup d'etat* by any legal means will of course be important. However, this paragraph seems a little bit not gentle because it provokes a little bit, any kind of possible intervention.

Even if such intervention don't take place in other countries, this paragraph can be estimated as, let's say, the presence of such problems in each member countries of the AACC. But also this kind of declaration, the presence of this paragraph puts under question the reality in the countries. For instance, in Azerbaijan there is no interference. So any kind of intervention is impossible. Of course it's impossible. What if it doesn't even exist? Therefore I put on the question for this paragraph. It is a little bit not reflecting the reality in each country, the members of AACC. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

The comment for this paragraph does not reflect reality of state members of AACC, and this paragraph needs to be reconstructed, and before we can reconstruct this sentence or paragraph, perhaps any comment from Turkey for this paragraph?

**MR. YUCEL ARSLAN (TURKEY)**

**RAPPORTEUR JUDGE**

Actually I would like to propose a new paragraph. Under this paragraph, I wrote by my hand. Can I hand out to you?

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Please go ahead. Read it out.

**MR. YUCEL ARSLAN (TURKEY)**

**RAPPORTEUR JUDGE**

*'Repudiating all kinds of anti-democratic attempts aiming to abolish constitutional order and overthrow democratic re-elected government in the member state...'*

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Please repeat the sentence slowly for the interpreters to translate.

**MR. YUCEL ARSLAN (TURKEY)**

**RAPPORTEUR JUDGE**

*'Repudiating all kinds of anti-democratic attempts aiming to abolish constitutional order and overthrow democratically elected government the member states of the AACC, the democratic order of AACC, and upholding the rule of law and democratic values. We condemn the vicious coup attempted recently in Turkey.'*

I propose we can work on it together -- this sentence -- if appropriate for this declaration.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

We'll discuss two paragraphs, then the previous paragraph commented by Azerbaijan and there's another paragraph, the second paragraph below that paragraph to be discussed here by us as an integrated issue. Azerbaijan?

**MR. RAUF GULIYEV (AZERBAIJAN)**

**SECRETARY GENERAL**

I'd propose also to add here, after democratic order, to add: 'to abolish the democratic order and to illegally withdraw the legally elected government. Just need also the government, 'or the AACC' is little bit not comprehensible. In the country members of AACC. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Afghanistan?

**MR. YUCEL ARSLAN (TURKEY)**

**RAPPORTEUR JUDGE**

In the sentence, can I repeat it again? *'Repudiating all kinds of anti-democratic attempts aiming to abolish the constitutional order and overthrow democratically elected governments in the member states.'*



It should be - there's a part of sentence that lacks: '*constitutional order and overthrow democratically elected governments in the member states of AACC.*' Democratically elected governments. So it's plural. So then we..

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

consider sentence again its Azerbaijan delegate

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Yak silahkan? Afghanistan perhaps

**KHALILRAHMAN MOTAWAKEL: (AFGHANISTAN)**

on proposal, one on the paragraph , the term intervention has a positive connotation for example if you intervene in the situation you would like to improve that situation that is politically how it is defined. but if you would like to you know take a word or the term that which has negative connotation or impact of the negative impact of the situation we can use interference instead of intervention. because intervention can be you know take place by the international organisation with sub different for example aid and donation and everything like these, interference something that you influence the agenda and make use of it what negative connotation, the paragraph on the second one I think it is now better but I don't know if we can still get that illegally word, throw illegally if we wants because that the second sentence which correction that you have brought it that conveys the message, now it can be deleted democratically elected government or democratically legitimate government because legitimacy is coming out of election so it is your idea because you know it is your taught thank you

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Excuse me if he put legitimate we don't need democratically elected we can choose

**KHALILRAHMAN MOTAWAKEL: (AFGHANISTAN)**

Ya it is your choice ya

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Ya I agree thank you , okay

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thailand ?

**Constitutional Court: PITAKSIN SIVAROOT (THAILAND)**

Regarding the concept raised by Turkey well we think the idea is quite is too specific. Because we think the term of declaration should be in general not too

specific for each country and the declaration should be in general for our constitution court and equivalent institutions and we understand that we have different institution in each country.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Baik kita sudah mendengarkan. We have heard the view from Thailand, the preference not to includes specific matter with regards Turkey but we will take these as a note and we'll listen to other views other delegates regarding these paragraph that we are discussing we welcome or invite Azerbaijan to provide their views.

**Secretary General: RAUF GULIYEV (AZERBAIJAN)**

Thank you Mr Chairman. Once again I come back about the message not the message but about proposal to delete the previous paragraph starting from upholding the principle this one yes and in the paragraph that was sentence that was propose by the delegate from Turkey, we can to overthrow the legitimate government I guess to overthrow legitimate government in the countries members of AACC, why we can and also one extra round why we can leave the mentioning of Turkey because we cannot close the eyes what happen there being the constitutional court and the I guess that at least we have to say about we have seen, what we witness and that we being the constitutional court support the democratically elected government and we strongly condemn what happen there by the militaries. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Yak saya kira ini penegasan ya. This is a reiteration from Azerbaijan on what has happening or what has happen in Turkey as was drafted in this paragraph any more views Indonesia perhaps.

**Head of Case Research and IT Management Centre: NOOR SIDHARTA (INDONESIA)**

Thank you chairperson, I would like to convey that I think all delegate agree that all the member state is opposed to in-constitutional attempt. In constitutional attempt in all countries we agree but it is preferred if we do not provide a specific matter in Turkey for example, to be incorporated in Bali declaration. Because what happened in Turkey can happen to any country member, any in-constitutional matter so I propose that *coup d'état* in Turkey should not be specifically, literally incorporated in the Bali Declaration but there should be more general formula or paragraph to accommodate all in-constitutional attempt. So the, in principal we condemn all anti-democratic attempt but we do not need to specify a specific condition in Turkey. But we do agree, every one agree in this room that what happen in Turkey is part of anti-democratic attempt.

So without specifying, specifically Turkey umm.. we can't prevent and we can condemn similar attempt from happening in other countries, so as proposed by Thailand to formulate a paragraph that can accommodate all state members in general which is to oppose or to condemn all anti-constitutional or anti-democracy, anti-rule of law which may hinder the enforcement of constitutional rights in every countries.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Any other view? From other state, other delegates? Turkey?

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Just one word I would like to correct we can erase RECENTLY and we can't put a word as an adjective like we condemn the recent vicious coup attempt so we called it coup attempt in Turkish kind of specific words. Before vicious we put recent. And in tomorrow or in the Congress, our president is going to give more details and visual presentation about the coup attempt in Turkey how it is really unacceptable in democratic states, after the presentation I think you might be thinking differently so if you see all the scenes during the attempt and the role of Turkish constitutional court we'd umm.. made a press release in the early morning on the 15th July as Turkish constitutional court as a condemnation of anti-democratic attempts and we mention there is especially we are besides the democratic government so we can see during the presentation the historic cruel of constitutional course one protecting the fundamental and constitutional rights. I would like to have your attention that's points the rule of the constitutional court, thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Baik kita sudah dengarkan. We heard the view from Turkey on the importance of the current paragraph that we are discussing however we welcoming, I welcome other delegates if you still have other view, should we incorporated specifically what happen, what has happen in Turkey or should we consider proposal from Indonesia and Thailand to prefer not to specify not to specifically on Turkey but to find a way in such a way that we condemn anti-constitutional anti-democratic attempt, for Malaysia.

**Registrar: ASLAM ZAINUDDIN (MALAYSIA)**

The earlier paragraph upholding the principle that every constitutional court, I would like to suggest that the word EVERY be deleted the, just that the principle that constitutional courts and equivalent institutions should be free from undermining intervention.

And also the word, may be my collages can consider, also deleting the word UNDERMINING, because we just say should be free from intervention or interference by other branches of the stated powers.

And finally for that paragraph, the last sentence we encourages that all members of AACC

**Registrar: ASLAM ZAINUDDIN (MALAYSIA)**

Eh instead of the what type need, bit doesn't seem to.. to be quite proper here. We can use eh maybe that all member of AACC stand together.. stand together for the embodiment of independent judicial power. That is one, Bapak. E.. ehm.. I would also suggest to what embodiment be change to something else. I can't thing of the.. the proper word at the moment, but perhaps my other colleagues can.. can.. can help me to think of another word instead of embodiment.

Okay. Eh regarding the paragraph.. the next paragraph propose by my colleague from Turkey, of course we all condemn what has happened in Turkey, but eh just I would.. just like everyone's input whether the.. the.. the words are a bit to harsh for us to put it as a declaration. Because eh we are eh association of constitutional courts and equivalent institution so maybe instead of saying attempt to overthrow, can.. can we go back to the.. to the paragraph?

Yes, instead of saying repetiting all kinds of anti-democratic attempts, can we say eh.. eh.. anti.. unconstitutional attempts aiming to abolish the constitutional order.

And.. also the word eh.. eh.. the reason wishes. The word wishes is also, it is a very strong word. So whether we can even put some other word instead of that. Ehm.. and.. and.. and the word condemn.. the word condemn, we can say we deplore the reason eh.. you know. We can use the word deplore instead of wishes. That is one.. one.. one suggestion. Eh.. if we do not want. If all of us do not want to put it as suggested by my colleague from Indonesia and also from Thailand. If we do not want to put it in the declaration, we can put it as a separate eh declaration or sub-declaration, perhaps. Separately from the.. the.. the declaration that we are going to.. to.. eh to come out with. So that is my suggestion, Bapak.

And just one more thing regarding the earlier.. earlier.. earlier paragraph. I believe it is paragraph 3 if we can just go back to paragraph 3.

Eh Bapak we can just go back to the earlier paragraph..

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Yeah..ya.

**Registrar: ASLAM ZAINUDDIN (MALAYSIA)**

Of the pa..pa..paragraph 3. The first.. the first para in.. Yes, this one. Instead of democratic systems of government. The word 'the', can we just delete the word 'the'? Yes. Thank you. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Ya (cough). Ya silahkan dari Afghanistan mohon maaf silahkan.

Afghanistan.

**KHALILRAHMAN MOTAWAKEL: (AFGHANISTAN)**

Thank you very much Mr. Chair. Eh I think eh if we go through the entire declaration, we have define our values that we believed in.. all that member states. Eh and those values are very specific in this declaration. Constitution order, citizen's rights, and protection of citizen's rights, and legitimacy of the government. So if we put the paragraph that proposed by our colleague from Turkey. It is not up gains the value that we believe in. I strongly believe personally. Eh.. it covers generally the values that we believe in, but it has at the end of the sentence there is specificity as well.

So, if we believe in the values that we believe in, so we can be as specific as well because something wrong is happening against the value that we are sitting here to promote. Globally, well, at least continentally. This is my comment and reflection on inclusion or exclusion of this paragraph. And eh coming back in terms of the content, I suggest that in order to keep the.. eh.. generality, but at the same time to be a little bit specific we can also put eh.. different country of ACCA.. AACC and upholding the rule of law and democratic values eh dot. After the values, I suggest; Therefore we do.. that, that once.. So, before 'therefore', there are the general values that we believe in.

And after that, based on the values that we believe in, we condemn such kind of attempt. Thank you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Ya. Jadi kita mendengarkan tadi.. So we have listened to re.. remain as what Turkey has requested but for Malaysia, we have heard that we need a softer sentence or if possible, separated from Bali declaration. So, I think these are valuable comments

and inputs which we need to wait and if there any more, because it's already three o'clock, three fifteen.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Bali declaration, so I think this...these are valuable comment and input which we need to weigh and if there anymore, because it is already three o'clock, three er fifteen, I would just like to propose Mr. chairman, this has become eh, debate, material for debate for quite a long time so I think we should put this aside first and we go on to the next paragraph which will not be such an issue and perhaps when we have time then we will go back to the, this paragraph, so just keep this, in relation to this paragraph and we will return to this paragraph if the other paragraphs have been approved or agreed, so we will leave this aside first, how many paragraph is that on the situation in Turkey? Let us keep this for some time and we move on to the next paragraph, I would like to say here, I'm sorry, because based on the schedule, we, actually we should have been finished by now, at three twenty. But now, it is already three twenty. And actually we should be finished. But because we're not, because we're not finished, I would like to ask the floor, from all the delegates, do we continue to finalize this, eh, how long do we need, will use, or we just end it here and this will become and we ask the Board of, the BOMM to deal with it, to discuss it in their meeting, do we continue with this? Continue? We can end, finalize it, in a few more minutes, hopefully in the next fifteen minutes? Fifteen minutes to finalize the Bali declaration, hopefully we can end it in fifteen minutes. We will now add fifteen minutes to our time, ok, please proceed, we go on to the next paragraph, please read it out.

**MC**

Strengthening the function of AACC, by establishing, and establishing a permanent secretariat of the AACC. The new established secretariat is envisaged to faster the process of achieving the AACC's objective in promoting the protection of human rights, the guarantee of democracy, the implementation of rule of law, and the independence of Constitutional Court and equivalent institution, as well as provide platform for cooperation and exchange of experience and information among members.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Any inputs from Afghanistan?

**MR. ABDULLAH SHAFEE (AFGHANISTAN)**

The allocation of.. As our colleague said previously from Philippines, let's be consistent, we can, because we, re..remove the re-affirm, and we change it to re-affirm. So we can do this as well, re-resolve, if, if you like, thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Proceed.

**MC**

In the name democracy, we enhance the global co-operation with other organization of regional groups, therefore, we shall continue the process of concluding the memorandum of understanding with the conference of constitutional jurisdiction of Africa, CCGA, as a mutual co-operation between two parties in order to implement the constitutional justice in two regions.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

If there are no inputs we will continue.

**MC**

For successfully hosting the third congress of the AACC, we agreed that naming country hold the fourth congress within the next two years.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Please, from Turkey, Turkey first.

**RAPPORTEUR JUDGE: MR. YUCEL ARSLAN (TURKEY)**

Now candidate appears so we need to write paraphrase, alternative, right. But just to take, have your attention.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So there are no candidates there. Please, Afghanistan.

**MR. ABDULLAH SHAFEE (AFGHANISTAN)**

For giving me the chances to speak, can we start that paragraph “in furthering the effort, and there is”, under, after this, there is a comma, so, can we put it this way, to further the efforts, in the beginning, not in furthering efforts, to further...

Or let’s start it with the phrase at work and make it plurals, that’s in my understanding make sense. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Yes, in furthering the efforts. Er... I think the... You have more corrections below? Yes? Do you have any corrections for the names of the presidents who are present who are going to sign the Bali Declaration? Any corrections? For the respective names. Please, proceed Afghanistan.

**MR. ABDULLAH SHAFARAE (AFGHANISTAN)**

I will give you the correct name of my delegate, the head of the delegation tomorrow. Thank you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So correction for Afghanistan, it will be corrected. Yes, from Korea.

**SECRETARY GENERAL: MR. YONG HUN KIM (KOREA)**

The name should will be corrected, I'll give you the details after the meeting. That will be better. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Ok, there'll be correction for Korea too. From Mongolia.

**HEAD OF DEPARTMENT OF COOPERATION, INFORMATION AND TECHNOLOGY:  
MR. SORONZONBOLD NOROVSURON (MONGOLIA)**

The name of our country supposed to be written Constitutional court of Republic of Mongolia. Constitutional court of Mongolia, ya. Thank you.

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR: MRS.  
ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

Thank you, Mr. Chairman. I also have correction to the name of the head of the delegation, I will just give it to the secretariat after the meeting. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you.

**HEAD OF SECRETARIAT: MR. VLADIMIR SIVLSKIY (RUSSIA)**

I think in the list... It is written Mr. Zorkin but since it's not him.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Can you repeat it again?



**HEAD OF SECRETARIAT: MR. VLADIMIR SIVLSKIY (RUSSIA)**

If in the list... are people who would be representing people in the congress of the constitutional court, since in the congress it is not the..our president Valevi Zorkin but judge Mr. Gaji gajiev, I think we should also indicate him as the one who in reality heading the Russian delegation.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

This will be presented during the final BOMM and it will reflect the meeting from the secretary general up to the first BOMM, initial BOMM, and the Congress. And so, all the dynamics that happen during the congress and also during BOMM, will be the formulation of the Bali Declaration. And those who are signing... I think.. because the delegation and secretary general who are here.. present here you know who should be the right person to represent you and sign the document. So, we are going to accept, we are going to receive comment and input from the delegates the secretary general who... or whose name is going to be written down in the Bali declaration. So that is how it is for.... to.. specifically for the secretary general of Russia. And now I invite from Azerbaijan, and after that from Kazakhstan. Go ahead.

**SECRETARY GENERAL: MR. RAUF GULIYEV (AZERBAIJAN)**

Er... On paper that I have on my table it's... Mm...the signature is a little different from what I see on the screen. And er... here on the paper I have the correct title of the chairman of the Constitutional Court of Azerbaijan. But... On the screen I have the president. I would appreciate if you change it for the chairman not president of The Constitutional Court Of Azerbaijan. Yes. Yes, thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

There is an input so.. not.. but the name of the chairman.

**SECRETARY GENERAL: MR. RAUF GULIYEV (AZERBAIJAN)**

Azerbaijan also.....

**DHEAD OF PERSONNEL AND DOCUMENTATION DEPARTMENT: MR. KUANYSH ALDENGAROV (KAZAKHSTAN)**

Head of Constitutional Council Republic of Kazakhstan indicated as a president of Constitutional Council, we recommend use Chairman. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you. Anymore? Yes go down, go down further, go down. Yes. So use the term Chairman. Anymore? Malaysia, please go ahead. The name of the Chief Justice of Malaysia...

**REGISTER: MR. ASLAM ZAINUDDIN (MALAYSIA)**

Is the title that he has so if we write Tun Arifin, then there's no need for the word 'Mister'.

If we don't put in the word 'Tun' then we put in the word 'Mister'. Makasih.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you for the corrections and next if there are no more...then we can agree that even though there is a paragraph that we have delayed, but we can leave it to the Board of Members Meeting to discuss and decide on the final draft in accordance with the draft that we have already corrected and improved during this meeting. Can we approve... agree on this, for the draft that we have finalized during this meeting to be presented to the Board of Meetings as a draft of the Bali Declaration where it would be decided by the Board of Members Meeting? Can we agree on that? Yes, I see there are no objections or comments. Oh, okay, from Mongolia, go ahead.

**HEAD OF DEPARTMENT OF COOPERATION, INFORMATION AND TECHNOLOGY:  
MR. SORONZONBOLD NOROVSURON (MONGOLIA)**

We have just notice there are differences in printed version and the online version, in the name of our Chairman there is an additional L, so it shouldn't be an additional L after R, in Navaanperenlei. In the surname, first L shouldn't be deleted. That's correct.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So I see there are no more comments or inputs and thus we can agree, please from the organizers from the result of the screen, please present this to the Secretary General and the delegates as a material that has been approved but not given to delegates on the Secretary General but give... the ones that we are going to give out is like on the screen. So all that is read, written on the screen is a materials of... of the Boards of Members Meeting, to be dis..to make the decisions tomorrow, for them to make the decisions tomorrow. So we can agree that the draft of the Bali Declaration is already final. So we have already finalized the Bali Declaration, or a draft of the Bali Declaration, and we can go to the Chief Justice of the Constitutional Court during the Board Meeting tomorrow. And because we have finished of.. we have finished up our time, actually we still have one more agenda that is to discuss on the minutes of meeting, but because time is...the time is up so thus the minutes of meeting will be written down by the organizers and will be given to all the delegates. So we are

going to give it to delegates, or do you want to break for fifteen minutes first to give the opportunity to the team who is formulating the minutes of meeting, so that then we can come in and for the next fifteen minutes to discuss it, or up to half an hour to further discuss the minute of meeting that we have already finalized throughout the...

Is it enough to give the draft to be corrected? And formulated by the team or we go back or we come back to this room after a fifteen minutes break. Which would you choose? Any inputs, comments? Afghanistan?

**Mr. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

We need to get the draft and please allow time for us to read and then we are going to come and so this is \*murmuring\*.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Anymore? Okay, we are going to give you the draft first, the minutes of meaning to all the delegates to be hmm read through and then we will discuss it. How long do we need to read the draft? 15 minutes is enough? Yes 15 minutes after reading, we will come back to this room to agree on the minutes of meeting. Because according to our agenda, we have to discuss and also sign the draft of the minutes of meeting so that I hope, after we break for 15 minutes, we can return to this room at 4 o'clock, so that we can further discuss on the minute, for the minutes of meeting. Can we agree on that? Okay, I do not see any objection in relation to the reading out of the draft at the same time at 4 o'clock, we can gather in this room again and to finalize the minutes of meeting. Thank you and we now break until 4 o'clock and we come back at 4 o'clock to this room. Thank you.

**MASTER OF CEREMONY**

To all distinguished delegates, the meeting will continue after the coffee break. Thank you

**2. SESSION TWO**

*Discussion and signing Minutes of Meeting's draft*

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Can we proceed? "Silent" We are still waiting for delegates from Mongolia. However, perhaps we can proceed hmm considering that we have limited time left. We'll continue discussing about the minutes of meeting. But prior to that, allow me as the chairperson of this meeting to convey several matters relating to preparation of board of members meeting, tomorrow, which I have conveyed actually, previously today, earlier today and we have distributed the documents as well. I would like to convey here, that in relation to the World Conference of Constitutional Justice, the

WCCJ, I would like to inform the floor that one of the items during the previous secretary general meeting, the result of World Conference Constitutional Justice... meeting was also discussed, there were several matters that require the follow up by the board of members.

If any delegate here, whether it's a speaker, moderator or the rapporteur who are appointed to represent a, AACC in WCCJ. If you have the names, if you, the secretary general and or the delegate have the names for those speakers or moderator and or rapporteur including the theme that they will speak about, we're open and we invite you to submit those names which we can extend further to the board of members but if distinguished delegates do not have such names yet, we kindly request for you to submit these names later, to submit the names of moderator, the rapporteur and or speaker and the theme or the subject to be presented in the WCCJ meeting in Lithuania. If I'm not mistaken will be held in Lithuania. If none, we will coordinate this later on.

Secondly, with regards to cooperation with CJJ, CCJA, Conference Constitutional jurisdiction of Africa, CCJA. And the last, secretary general meeting, we discussed about the plan to cooperate between AACC and CCJA and the minutes of meeting. We have prepared minutes of meeting between the AACC and CCJ. However, because the president of CCJA could not attend the congress, the board of members meeting this week due to general election in their countries, these minutes of meeting could not be signed off in this week meeting and we would like to hear whether you the delegate have communicated this minute of meeting to your respective institution. This is an additional information regarding the preparation of the board of members meeting. If there is no further comment, because I believe that this has been conveyed earlier, we can now proceed to our discussion about the minutes of meeting. In the matters relevant to WCCJ and CCJA, you may convey so, I would like to inform that the delegates from Mongolia have excused themselves...

They are not, they are not able to attend this session because they are currently assisting their leaders in a courtesy meeting with the delegates of Korea. Yes, a permission has been asked by the delegates of Mongolia because the constitutional court of Mongolia is currently assisting a meeting with delegates from Korea. I'd like to ask your opinion whether this minutes of meeting will be discussed per paragraph. If so, we can start from paragraph one, perhaps someone can read it out, or we should not read it out, and we can just proceed to any comment on any paragraph? Any correction? Any revision? Suggestion? I welcome all of those. We'll begin with paragraph one – opening, from Russia.

**Mr. VLADIMIR SIVITSKIY (RUSSIA)**

We, we have a comment on the twelfth paragraph. Twelfth at first. Or are we too fast? We have ourselves. I think...

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Let's begin with paragraph one. Paragraph one first. And if we reach paragraph 12, then you get the opportunity.

*Yak silakan. Kalau..*

Paragraph one, no comment? Paragraph two? No input, no comment. Paragraph three? I see none. No issue. Everyone can accept paragraph three and paragraph four. I see no comment for paragraph four and paragraph five. Paragraph five, perhaps from Turkey. I beg your pardon, from Russia.

**Mr. EGOR BUSHEV (RUSSIA)**

Second line, nw instead of new.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*New, yak. New. Yak, baik. Sudah diperbaiki. Yak, tidak ada tanggapan. Langsung ke paragraf tujuh.*

Paragraph seven? Philippines?

**Mrs. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

Chairman, may I just propose that we delete that phrase starting from of "which regarded the most advanced and well established proposals so far", I think it is enough to say that the most of the representatives support the joint permanent secretariat as proposed by Indonesia and Korea. Mm.. Out of mutual respects for the two other proposals from the Turkey and the Philippines, and Malaysia.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*Yak ada tanggapan dari yang lain?*

Any comment?

**Mr. NOOR SIDHARTA (INDONESIA)**

Turkish representative suggested an agenda that includes the reference to resend attempt cop to overdraw the incum.. Incumbent government, Indonesia suggested a new agenda item related not relating, related to the discussion on the next presidency of the association.

Yes, thank you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*Yak, Baik, sudah diperbaiki.*

Fixed.

And then paragraph seven. Paragraph seven? Mm.. No issue? With some revision?  
Paragraph eight?

**Mr. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

Seven, we can put it instead of most of the representatives, because it is a kind of, you know, voting system democracy, that can put a majority of the representative, if you like.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*Ya, ada perbaikan dari most menjadi majority. Silakan. Lanjut ke paragraf.*

Continue to paragraph eight. Indonesia.

**MR. NOOR SIDHARTA (INDONESIA)  
HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

I'm just asking our colleague from the Malaysia, are you agree with number 8? The formulation like this? Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Before Malaysia can respond to that question, I would like to invite the Philippines.

**MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)  
DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR**

Thank you again Mr. Chairman. The first line of paragraph 8, instead of saying '*in supportive on the establishment*' maybe '*in relation to the establishment of a permanent secretariat.*' And with respect to the second sentence, I defer to the answer of the Malaysian delegate.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Thank you.

**MR. ASLAM ZAINUDDIN (MALAYSIA)  
REGISTRAR**

Regarding paragraph 8, I think it conveys the meaning that we wanted. Maybe it can be further improved to say that the representative of Malaysia propose that apart from a joint permanent secretariat in Indonesia and Korea, the Association can still maintain a rotating secretariat to the Term Presidency.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Are there any comments? None? Continue to paragraph 9. Yes, the Republic of Korea.

**MS. KOOK HEE LIM (REPUBLIC OF KOREA)**  
**DEPUTY DIRECTOR INTERNATIONAL AFFAIRS DIVISION**

Thank you. Mr. Chairman. Regarding number 9, we propose that the sentences need to be more concise and shortened. Because it reflects the wishes or the concerns of the Philippines court rather than reflecting the discussions of the members during this meeting. And another suggestion is, please look at the fourth line of the sentence number 9 starting '*she also cited her Chief Justice's concern that the Korean proposal seem to place the Term President as merely a coordinator for Congresses and BOM meetings*', to which we explained further during the break so that she understand that that perception is rather not well-grounded. So we propose to delete this part from number 9.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Input from the Republic of Korea to erase a couple of sentences. Any comment on that? The Philippines?

**MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**  
**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR**

With due respect to the Korean delegation, I think part nine really talks about the concerns of the Philippines delegation and it doesn't really intend to reflect the discussion or the reflections of the other members. So, yes, the Republic of Korea has already clarified our concern with respect to the working relationship between the Term President and the permanent secretariat. We would like to retain the third sentence. Second sentence, that's again one of the proposal of the Philippines. So the third sentence - I don't know, maybe you can say that '*she also sought clarification as to the working relationship between the Term President and the permanent secretariat.*'

That's what I did. They sought clarification as to the working relationships. Again, this would have been the diplomatic approach to what is the concern of my Chief Justice. But, again, I hope you understand my position at this point. She gave instructions to me to reflect on record that the Philippines would like to co-lead the research and development of the efforts of the association.

I don't know, is this the fourth sentence already furthermore she also express her desire to co-lead the research and development efforts of the association. And then of course, all the proposals will be tabled at the BOMM as proposed.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Perhaps there's another response. Please, the Republic of Korea.

**MS. KOOK HEE LIM (REPUBLIC OF KOREA)  
DEPUTY DIRECTOR INTERNATIONAL AFFAIRS DIVISION**

Thank you Chairman. If the Philippines representative wants to keep the tenth sentence we would like to add to that, *'to which, she also cited her Chief Justice's concern that Korea's proposal seem to place the Term President as merely a coordinator for Congresses and BOMM meetings to which the Korean delegation provided due clarification.'*

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Next, the Philippines.

**MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)  
DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR**

Thank you gain Mr. Chairman, I believe I already said that instead of *'she also cited'*, let's just amend it to say *'she sought clarification as to the working relationship of the Term President in the permanent secretariats.'* And then, we can add the Korean proposal to which you said...

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Korean delegation provided a *'due clarification.'*

**MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

Yes.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Can we accept such a proposal? *'To which the Korean delegate provided due clarification.'*

**MS. KOOK HEE LIM (REPUBLIC OF KOREA)  
DEPUTY DIRECTOR INTERNATIONAL AFFAIRS DIVISION**

It needs to be concise and truly represent the discussions of the members instead of listing up all those concerns of your Chief Justice.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

I guess for the Philippines, I agree it's better to make the minutes of meeting concise. It's not necessary for us to include all of the concerns. The main point is what we have agreed are accommodated are well incorporated without long paragraphs of sentences, so that the paragraphs can be more effective and concise. And whether to make revisions such as this one can be deemed sufficient for that, because in my opinion, with last sentence she wished its core proposal to be tabled at the BOMM as proposed. I think this has reflected what the Philippines required. So, there's no



need to make long sentences. I believe with this last sentence, the ninth paragraph is sufficient to reflect that.

The yellow highlighted sentence should be deleted. I guess that's enough, then we continue to paragraph 10.

**MR. YUCEL ARSLAN (TURKEY)**  
**RAPPORTEUR JUDGE**

Thank you, Chairman. In this paragraph, I think we need to add one sentence more at the end the sentence above. It also mentioned its candidacy for the permanent secretariat to be established in Turkey and to be awarded by the Board of Members.

I can read it slowly if appropriate. It also mentioned its candidacy for the permanent secretariat to be established in Turkey and to be awarded thereof by the Board of Members Meeting.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Should we accommodate the proposal of Turkey in this Minutes of Meeting, or is there any other proposed review? Please, Afghanistan.

**MR. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

I think the entire of Minutes of Meeting includes all the concerns and some of the conflicting ideas. But we reached maybe by absolute majority the final proposal. So if you include all these conflicting ideas, that's not a problem. What I suggest is at the end of the Minutes of Meeting to show the board of members that we have produced final and tangible results and proposals on this meeting. We need to find another very short headline. We usually call it.. I'm not the head but because of this idea I'm going to mention it. Summary of final proposals of this meeting by absolute majority at the end of the meeting at the Minutes of Meeting. So it should be on the headline. First, what was our final proposal? Second, third, fourth.

I understand that the Chairman are not reading all the text that we have written, maybe a summary of final proposals will help them to inform their decisions. At the end of this Minutes when all the paragraphs are shared with everyone, I'm going to read the text if you like. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

We have an input that we can make a summary of the Minutes of Meeting. I think that is a very good idea, and we will...

But nevertheless, for the delegation of Afghanistan, please pay attention to paragraph 12, which has become part of the summary of the MOM, Minutes of Meeting. But before that the lines that have been highlighted in yellow, can we accept them to be part of the MOM?

**MR. NOOR SIDHARTA (INDONESIA)  
HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

Yes, thank you, Mr. Chairman. What I want to convey is that the proposal from our colleague from Turkey has not been discussed in the development of our discussion earlier. So, Indonesia feels that this is not appropriate to become Minutes of Meeting. I do not feel that there was a proposal on voting and so on in relation to the permanent secretariat which has become a proposal. And this is a new proposal, so for us we feel that we need to stress that this should not be part of the MOM.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So, there's a comment from the delegates of Indonesia. I'd like to invite. From other delegates, maybe you have other comments before I give it to Turkey. Okay, go ahead Turkey

**MR. YUCEL ARSLAN (TURKEY)  
RAPPORTEUR JUDGE**

During the discussion, I reiterate our position that the permanent secretariat is to be established in one center. And, I especially mentioned our proposal is valid and to be voted by the Board of Members, so we haven't withdrawn our proposals. Is there any misunderstanding by Indonesia? Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Go ahead, Indonesia.

**MR. NOOR SIDHARTA (INDONESIA)  
HEAD OF CASE RESEARCH AND IT MANAGEMENT CENTER**

I think I have a different view, especially on voting because the proposal from Turkey about the permanent secretariat in Turkey, it has been discussed. On the voting, we never discussed on voting because the Chairman said this is a special concept that it should be a consensus. So, the comment from Indonesia is related to the sentence which mentions the word 'vote'. We did not talk about voting to settle this matter.

We will put in here that Turkey has the opinion to have a single country, permanent secretariat and we do not have to state it in BOMM. So, please correct the sentence in essence is that Turkey has also stated it wished to become a permanent secretariat. That is the position of Turkey. Not to conduct an election during the BOMM, because in majority we have all accepted the permanent secretariat with the joint secretariat. Whereas Turkey is still with its stance and is interested to become a candidate for a permanent secretariat in a single country without having to add the word '*wishing to have an election during the BOMM*'. This is what we need to pay attention to or synchronize ourselves on the views of Indonesia and Turkey. So, please correct the sentence here so that it can be adjusted.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So Turkey is still in his stand so that it becomes one of the candidates for permanent secretary, Turkey expresses ..dengan apa dengan model single country , with the model of single country , can you expect these concept please go ahead Turkey

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

It means if it's mean we are still the candidate and we will discuss at by board of members, are concrete proposals it's okay. Thank you

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Yah saya kira seperti tu ya, baik. yak selanjutnya kita bisa pindah keparagraf 11, ya saya lihat tidak ada lagi yang menanggapi. Yak selanjutnya paragraf 12 yak saya persilahkan Rusia untuk memberikan tanggapan yak.

**Head of Secretariat: VLADIMIR SIVITSKIY (RUSSIA)**

Sub item E , in after that to write in couldn't if there substance of the respective proposal from Russia is submitted and as a word I think to use only in accordance is the substance of the respective proposal from Russia is submitted so it can be understood that this it is we are talking about the variation that option of tax there is was being talked about as proposed by Russia in other draft, in accordance after the working language, Russian language to be used as working language and in accordance with the substance of the respective proposal from Russia as submitted, proposals similar, proposal not proposals and submitted and period, period and the rest is to be erased so full stop and remove the rest.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Silahkan ada tanggapan terkait dengan, and more response in relation to the editorial in the Russian language is it like this as we have, agreed as Russian language would become the working language especially for the activities that such as official meeting while correspondence, official documents will still be using the English language is this clear? Is no anymore problem here? Malaysia

**Registrar: ASLAM ZAINUDDIN (MALAYSIA)**

For a little bit of a twinkling of the proposal from my colleague from Russia, in paragraph E we just add the Russian language, The Russian language to be used as the working language in accordance with substance of proposal, the respective can be deleted because there's only one proposal from Russia so we just put in with their substance of the proposal from Russia as submitted. Thank you

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

This is in line with Russia's proposal which only one. OK, go ahead Afghanistan.

**KHALILRAHMAN MOTAWAKEL: (AFGHANISTAN)**

Working language already we can put the Russian language to be used as a second working language ..... that would be, you know, clarified for the most extension.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

In the second working language yeah, OK. Silahkan delegasi Indonesia.

**Head of Case Research and IT Management Centre: NOOR SIDHARTA (INDONESIA)**

May be I will come to the 12 M, number 12 M, I propose to delete the first sentence. The establishment of a permanent secretariat, we delete because is too much you know.

And I will explain in the next sentences, OK thanks you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Biak terima kasih, selanjutnya turun ke E. Next to E, Turkish delegation.

Kalau tidak ada lagi. If not, we'll now continue with F, please proceed, Turkey. E, F, 12, paragraph 12.

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Can we see the B, it's up paragraph B, It says the former of the permanent secretariat should be a joint permanent secretariat and it says in the fourth paragraph has agree to propose to the board of members so our constitution court proposal or complete proposal is not mentioned anywhere, so does it's mean not mentioned in the board of members it's automatically eliminated a proposal I wonder. I need a clarification, chairman.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Yeah,

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

Do it put a sentence or not?

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Tentunya. Of course we are going to give this to the board of members, our approval at the secretary general level and delegation level of course will be presented to the board of members so that the board of members meeting will decide. But at the

secretary general level we have it, there, so it is make it easier for the board of members to make the decision because we have already decided together in relation to the joint permanent secretary.

That is the case.

Yes?

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

We need to put one sentences more to single country option and third proposal to reconsidered with the joint permanent secretariats at tomorrow, so if like this the, it is not for the secretary general's to vote right here. Proposal so, we agree but not totally agree, so not every one of us said it's okay for the, if I misunderstood, I'm not sure about I propose a sentence after the former of the permanent secretary should be a joint permanent secretariat, or there were two options, one option still an alternative, one country and Turkish proposal. Should be considered, my believes say something like that.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Before Azerbaijan I will ask Philippines first.

**Deputy Clerk of Court En Bano Deputy Court Administrator: ANNA-LI PAPA-GOMBIO (THE PHILIPPINES)**

Again, I think this is connection with paragraph nine a while ago. I'm amandable *to delusion* of the sentence a, should the Philippines seeks assurance of their relationship, relation of thousands functions between the termed president without tampered the word because is not what I really said, I just needed assurance that there is such a relationship in the first place and I have been assured they'd agree in delegations and to me this don't really need to put this last sentences in 12 B.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Sudah dihilangin. OK, we've deleted that, enough? OK Azerbaijan delegation please.

**Secretary General: RAUF GULIYEV (AZERBAIJAN)**

I also propose to relieve at least the chance regarding the issue of the secretariat because if we look at the paragraph B it is almost fixed that the secretariat should be joint at least it should be mentioned to also, at least the chance for the setting up of the should get that. Because the joint if we used on the joint permanent secretary that means that the matter is already resolved, and the, may be it would be better also to mention at least in the blanket to be joint or single permanent secretary because the matter is .... should it be the joint that supported by.. that is

proposed by courting constitution.. court and constitution.. court of Indonesia or the single eh secretariat that is proposed by the constitution court of Turkey. At least, that should mentioned there. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Ya baik terimakasih delegasi dari Azerbaijan.

Thank you to the delegation of Azerbaijan and anything more to be considered? Perhaps we have to said like this; in the relation of the form of the permanent secretariat, it could be joint permanent secretariat that has been proposed in majority.. by the majority of Secretary General, but there are all also the with.. interest of the.. of Turkey for a permanent secretariat.. secretariat with a single country. So both can be accommodated. Please add or at the end of of.. at the end of a single permanent secretariat.

Can we agree with that?.. Yes, go ahead Afghanistan.

**KHALILRAHMAN MOTAWAKEL: (AFGHANISTAN)**

... you know difference in the structure of the Minutes of Meeting will solve the problem. So, what I witnessing that every delegate would like to have daresay recorded, and the Minutes of Meeting. This is what I'm thinking about and this is what democracy requires, you know. The ideas of majority and the ideas of minority should be both respected. So what I suggest, if you put number 12; The meeting discussed the following points. For example; The meeting discuss the following points.. the following points. That's it.

Then you can put all.. all everyone's idea, for the record, on the Minutes of Meeting. For example, we did this we.. someone said this, someone said this, someone said this. At the end of that Minutes of Meeting, after this one, you can put a summary of final proposal by majority. Then, you should put one . One sentence only. We called it in English bang bang bang bang. Four bangs, that's it. You can further record, you can put all the conflicting ideas, discuss.

Eh but the end of eh.. eh.. the Minutes of Meeting, a summary of final proposal by absolute majority. Bang bang bang bang. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Baik, terimakasih Afghanistan atas.. Thank you Afghanistan. And next I.. Eh.. Eh.. I invite Turkey.

**Rapporteur Judge: YUCEL ARSLAN (TURKEY)**

And.. I.. I disagree with Afghanistan with this proposal because if we said discuss and attend of.. eh.. the.. to put as summary, it's would be the same actually. So, I will oppose again to put, because majority is not certain, is not absolving the Secretary General's meeting. You sure.. how can we ehm.. how can we put the other proposal to the Board of Members meeting if.. if this.. if we put like that, a summary eh.. this minutes automatically eliminates eh proposal. I consider like that. Can you clarify?

**KHALILRAHMAN MOTAWAKEL: (AFGHANISTAN)**

Yes. For example, under the summary of final proposal for example you can write down majority, except for the joint.. eh permanent secretariat with a reservation. For example from me was.. So that phrase will solve the problem. But it has to be very precise and concise. And overarching well. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Jadi.. Eh, ya saya kira..

I guess, what is expressed by Afghanistan, I think this is a middle ground that we can all take. By.. incorporating the wishes from Turkey in this Minutes of Meeting is means that we have accommodated such wish as well as the wish of the majority in this minutes of meeting. So that the whole of Minutes of Meeting can be read by the Board of Members. So that they are able to comprehend the situation and the new ones of discussion that was held at the Secretary of General meeting. So the Board of Members meeting can...

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Comprehend the message here that the majority of the Secretary General who attended this meeting is or prefer joint Secretary meeting, I think this is something to put in the minutes of meeting, not withholding what Turkey has proposed with regards to Single Permanent Secretariat. I guess that's how it should be.

Single Permanent Secretariat please delete single permanent secretariat, and add, with reservation... with reservation from the or by the Turkeys delegation preferring or who prefer, preferring single permanent secretariat. From Azerbaijan.

**SECRETARY GENERAL: MR. RAUF GULIYEV (AZERBAIJAN)**

I think that you can also add the delegation of Azerbaijan, not only Turkey regarding the preferring of the single permanent secretariat. Ok, thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Can we adopt this? Philippines.

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR: MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

Yes, ehm, if that is the, how twelve is going to be phrased, then, I would like, since you're already putting a reservation as to the majority position of a joint permanent secretariat, maybe only proper that we also reflect the reservation, at least because of the Philippine proposal to have a limited term for the permanent secretariat, to allow for rotating permanent secretariat, that's also in the alternative proposal of Turkey. Maybe after secretariat single permanent secretariat, comma, as well as reservation by the Philippine delegation, as to the term of the permanent secretariat.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

So the last sentence, in that case, needs to be deleted. The Philippines prefer to use the term permanent secretariat. But this is the same, it's a redundancy, no?

**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR: MRS. ANNA-LI PAPA-GOMBIO (PHILIPPINES)**

Reservation I just made is with respect to the term, cause we are, the Philippine proposal as it reflects a proposal limiting the term of the permanent secretariat to allow for rotating permanent secretariat and that is different from the proposal to call them permanent divisions, so..

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Ok, any other view? If none, we can continue to paragraph thirteen. Any comment, paragraph thirteen? None? Paragraph fourteen? Fifteen, paragraph fifteen? Paragraph sixteen? Paragraph seventeen, Paragraph eighteen.

I guess no further matter. I would like to remind one thing, with regards to our legal eighteen of our statute. In the event of decision making, because we all know that in the statute of our association the meeting of board of members is a forum of chief of justices in Asia and equivalent institution in Asia. And we all know that among us is delegation or are delegations that are not presented or represented by chief of justice. I would like to get your view on this, whether delegates that are not represented by their chief of justice or the secretary general. Are we going to place such delegate or such delegation in the board of members meeting or are we going to limit the attendants to the justices and or secretary general?

However the statute also states that every country member has the right to take or to contribute in decision making. So we have to decide here, what measures or what our view is in the event the delegation is not represented by the chief of justice or the secretary general. Any view on this? With regards to this clausal or clause in the article of our statute. Philippine and then Afghanistan afterwards.



**DEPUTY CLERK OF COURT EN BANC DEPUTY COURT ADMINISTRATOR: MRS. ANNA-LI PAPA-GOMBIO (PHILLIPINES)**

If in section to already allow the president or head of the constitutional courts and equivalent institution to be represented at meetings and to vote on behalf of the president of the constitutional court or equivalent institution, so I don't know what are we actually..what is actually the question because the statute itself allows that. Thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

View from Philippines, the statute allow the delegation to be represented by non-justice or chief of justice or secretary general. Afghanistan?

**MR. ABDULLAH SHAFABEE (AFGHANISTAN)**

Er.. Thank you very much. I think giving the er..the practicality of the issue and given the burden of work of each chief justice respective countries. My proposal is that let's allow the representative of the chief justices and also secretary generals in order to enhance and expedite the process of decision making in AACC. Thank you very much.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Anymore view regards to article eighteen? Of the statute? If none, then, that means we all agree that ....the delegation is not necessary represented by the chief of justice or justices or secretary general provided that there is an official appointed representative. So at the secretary general level there is no issue on that. There is no issue if the delegate is represented by other parties beyond chief of justice..justices and secretary general. Even though there is a concern that it might serve as a precedence for future meetings to be attended by representative of justices as supposed to justices themselves, and for them to send in staff to attend the board of members meeting. And in future the board of members meeting will become staff meeting. This is a concern that we have to pay attention to, but, as agreed for now in this meeting this week there is no issue for the constitutional court of the member...

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Equivalent institutions to be present and represented in the meeting by any representative, but we are...we would like to remind everyone and all delegates that the Board of Members of Meeting should be attended by the President, the Chief of Justice...Justices, or at the very least, the Secretary General to maintain the quality of such meeting when attended by such attendance. But for the time being I think it is well-accommodated and well-agreed that this should not be issue, and therefore no further issue or matter. And next in the agenda is the signing of the minutes of

meeting. And while waiting for that, we are going to distribute the draft of Bali Declaration that we have discussed earlier for you to review, to read. This is one of the products of our meeting, the meeting of Secretary General that will be extended further to the Board of Members Meeting.

The organizing committee please help to distribute the draft of Bali Declaration. Please remember or note that the Bali Declaration with regards to paragraphs on the views of Malaysia and Turkey and Thailand and Indonesia, we have summarize into one paragraph instead of two paragraphs. Please read the paragraph under bullet three or point three. So we have combined the two paragraphs into one paragraph to accommodate views discussed in our forum. This is not to be further discussed because it is already final and it is now a draft to be submitted to the Board of Members Meeting and then the Board of Members Meeting will then decide the final formula. Organizing committee, is the minute of meeting ready to be signed or do you require some more time? Let's wait perhaps five minutes for the organizing committee to prepare the minutes of meeting, to print out our discussion...the result of our discussion. Any view from Turkey?

**RAPPORTEUR JUDGE: MR. YUCEL AFDAN (TURKEY)**

Not very same with our proposal, is it discussed...additional discussion made or just we use deplore instead of condemn about the Turkey's situation and the name of Turkey is not incorporated, so is there any new proposal?

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

The way we see it, the views from delegation... the sentences or the paragraph proposed by Malaysia is used so the meaning and objectives are the same, but the language use is what was proposed by Malaysia delegates, so we are using um, suggestion from Malaysia delegates to make it softer.

**RAPPORTEUR JUDGE: MR. YUCEL AFDAN (TURKEY)**

Maybe I misunderstood so..our... or do all the delegates agree with uhh..raising the name of Turkey and uh..using deplore or just it accepted as Malaysia offered proposed?

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*Terima kasih delegasi Turkey, ada yang satu pertanyaan yang akan disampaikan kepada kita*

Thank you Turkey, there is a question, are we going to state explicitly what is happening in Turkey? Or are we going to use the proposal from Malaysia and

Thailand and Indonesia? "Silent" Where is our direction, it is up to the floor, up to the delegation. Up to the delegates, if you agree to put Turkey, we will put Turkey but if we agree to this concept already, then we will stick with this concept. Thailand, Malaysia, Indonesia, your proposals perhaps can be used. I believe that your proposed formula is more elegant and the... your proposed formula also bears the same meaning and the same objective. Any comment? Should we put the name of the state? Turkey on the Bali declaration or is it sufficient for us to adopt the current Bali declaration draft? Afghanistan and Azerbaijan.

**Mr. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

Thank you very much Mr. Chairman. I think I'm encouraging everyone to be courageous. If we look at the paragraph. The....can can we see that on the screen?

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*Coba di tampilkan... yang Bali Declaration... Bali Declaration...*

“(Arranging the screen). Part of 3.3.

**Mr. KHALILRAHMAN MOTAWAKEL (AFGHANISTAN)**

There. Yes. Can I suggest one sentence if our supporting can write it down then we will discuss it. It is very short. For example, countries of the members of AACC... comma... including what happened, including what recently happened sorry. Recently happened... recently happened in Turkey... comma... for example.... Period... Thank You.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Any view from Azerbaijan?

**Mr. RAUF GULIYEV (AZERBAIJAN)**

Thank you Mr. Chairman. I guess that emm... emm... the proposal of my colleague from Afghanistan is admissible just at least to mention that what recently happened in Turkey cause how if I want to add here that we write here that beginning from the start, we uphold the principal that the constitutional courts and equivalent institution as guardian of democracy, we can add as one of the guardians because it is not only a "unclear" that it is responsible for the practitioner democracy, the guardian of democracy should be free from interference from other branches of the state's powers. A little, there is a little bit you know eeh hmmm misconnection between the first part of the parliament and the second. And the first we say about the interference and the secondly, we say about the **Coup d'etat**. It's a quite different eeh quite different eeh notion. We should put the dots after state or because they are not completed to each other and eeh it is, they are not connected or eeh the guardian should be free from interference of other branches of the state power and we deploy, it's okay without, without comma. Powers.

*Titik... Titik... enter... atau gitu aja...*

*yeah* like this. Sorry can i had more suggestion? Furthermore, comma we would this  
Thank You.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Turkey...

**Mr. YUCEL ARSLAN (TURKEY)**

Thank you chair... I insist on using condemn. It is very important for us. Because we are the one of the members of this association and we had a really vicious attack from interior m D1\_SG\_T11\_Tape59R

**YUCEL ARSLAN (TURKEY)**

Supported strongly, thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*ya, baik terimakasih, Turkey*

Thank you, Turkey. I would like to welcome Malaysia for the word 'condemned'. Shall we use condemn or other word, any other comment Malaysia?

**Mr. ASLAM ZAINUDDIN (MALAYSIA)**

*Terimakasih* Pak Chairman, I think our path we have no issue if Turkey is insisting to include the word 'condemn'. But... Because this is a declaration, so what I was contemplating is that we put it in a diplomatic language. Because this will be in our records. Of course, as I also said that we definitely support the legitimate government of Turkey in condemning what has happened. But just that when we want to put it in the declaration. We should use the language that is used in a diplomatic language that is the only thing that I was trying to inform the meeting, it is not that we don't condemn the incident that happened in Turkey. It just that the way we said to use the diplomatic language. That's all, thank you.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

Please go ahead from Indonesia, do you want to give a comment?

**Mr. NOOR SIDHARTA (INDONESIA)**

Thank you Mr. Chairman. For Indonesia we are in the position that we are very worried about the efforts whatever that is against democracy and this of course is this is a very universal attitude and Indonesia as one of the non-block member countries and for that we agree that this is in the document but it doesn't show any

certain country and even if it shows then we must separate it in different document. So, do not put it as part of Bali Declaration. That is our stand because we also need a communication with the ministry of foreign affairs with a ministry of foreign affairs which will need time to discuss in matters to discuss matter of like this. So, the view of Indonesia, it wishes that it must not be part of the document. But, if it is inserted here then it must be separated from the Bali declaration so that both parties the Bali Declaration... it is not part of Bali Declaration but it is part of the document that explain the attitude that we adapt in relation to Turkey, that is our proposal. But, I'd also like to give a the opportunity to Thailand who wants to give its view.

**Mr. PITAKSIN SIVAROOT (THAILAND)**

*[In Thai's language,]*

We understand Turkey's situation, but we are constitutional courts not government's institution. We are judicial organ, so we don't have any power to condemn anyone and we support the idea from Malaysia's delegation to use the diplomatic words. That's better.

*[In Thai's language]*

So, we better concern about our power to protect our... to protect our citizens' rights and uphold rule of law.

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

*Jadi saya menangkap ya, masukan dari...*

I can grab the good intention of Thailand, Malaysia, as well as Indonesia but before that please Azerbaijan go ahead.

**Mr. RAUF GULIYEV (AZERBAIJAN)**

Yea, just saying that I am satisfied with this sentence. But, I will propose to change as a compromising proposal to change the word we deplore as we stand against because we used already this kind of notion just in the previous paragraph and I guess that if we can find some kind of solution between 'condemn' and we deplore we stand against in constitutional ethics. Thank you.

**CHAIRMAN: Mr. GUNTUR HAMZAH (INDONESIA)**

*Ya, salah satu solusi yang lebih...*

One of the elegant solution that Azerbaijan has offered is that to see the view of the secretary generals and the delegates in the will or the hopes of the Turkish delegation. We have heard everything and ...

Literary traitors and if the association did not mention eeh very strong, eh it is something sad for us as a member because with a very recent problem in Turkey and its continuously going on, some problems. So we are expecting our member countries of the association and our frie

**MR. M. GUNTUR HAMZAH (CHAIRPERSON)**

...Become a valuable input for the President of AACC who will be conducting the meeting tomorrow in the form of Board of Members Meeting. Once again, I'd like to extend my highest appreciation and thanks to all the delegates and Secretary General, and please my humble apologies if throughout this activity, and throughout the meeting, if there are circumstances such as time that we have really been overtime. Hopefully, this will be an example or lesson for us to conduct a better meeting in the future. So once again, thank you and we end by saying *Alhamdulillah*, and we close the meeting of the Secretary General by giving a big applause to all of us.

## C. SUMMARY REPORT



ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS  
Bali, Indonesia



### MINUTES OF MEETING

#### MEETING OF THE SECRETARY GENERALS

9 August 2016

#### Opening

1. The Meeting of the Secretary General (“the Meeting”) of the Association of Asian Constitutional Court and Equivalent Institutions (“the Association”) was successfully held at the Bali Nusa Dua Convention Center, Indonesia, on 9 August 2016. The Meeting was chaired by the Secretary General of the Constitutional Court of the Republic of Indonesia, Prof. Dr. M. Guntur Hamzah.
2. In his opening remarks, the Chair stated his belief that the members could agree on the importance of strengthening this Association so that it could grow and develop, both by deepening the relations among its members and also by expanding relations with other partners and institutions. The Chair also gave opportunity for each representative to introduce their delegation and share their brief opening remarks.
3. The members thanked the Constitutional Court of the Republic of Indonesia for its hospitality and excellent organization of the Meeting. Some of them expressed their hope that the series of Meetings of the Association in Bali could be fruitful and produce tangible decisions pertaining to the issues of establishing a permanent secretariat and the proposal to have the Russian language as the second working language of the Association.
4. In his remarks, H.E. Mr. Arief Hidayat, the Chief Justice of the Constitutional Court of the Republic of Indonesia and the Term President of the Association, underlined the importance of the Secretary Generals in supporting the activities of the Association. This forum was deemed important for the sharing of information, coordination, and agenda setting of the Association. Furthermore, the Secretary Generals’ meeting would report to the Board of Members Meeting of its conclusion and recommendations on the discussion among members with regard to the establishment of a permanent secretariat.





ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS  
Bali, Indonesia



Association of Asian Constitutional Courts  
and Equivalent Institutions

**Adoption of Agenda**

5. Turkey's representative suggested an agenda that includes the reference to recent attempted coup to overthrow the incumbent Government. Indonesia suggested a new agenda item related to the discussion of the next Presidency of the Association.
6. The adopted Agenda as amended appears as **Annex I**.

**Follow up of the outcome of the Meeting of the Secretary Generals on 30 – 31 May 2016**

*Working Paper on the Permanent Secretariat*

7. On the discussion of the Working Paper on the Permanent Secretariat, the majority of the representatives expressed their support for the establishment of permanent secretariat and that the Association should not further postpone or delay itself from taking decision upon this issue. In particular, the majority of the representatives also appraised and expressed their support for the joint permanent secretariat as proposed by Indonesia and Korea.
8. Some of the representatives reiterated their proposals and positions in relation to the establishment of a permanent secretariat. The representative of Malaysia proposed that apart from the joint permanent secretariat by Indonesia and Korea, the Association can still maintain a rotating secretariat to the term presidency. The term of such secretariat will be following that of the term presidency.
9. Meanwhile, the Philippines' representative conveyed her Chief's justice proposal that at this point the establishment of joint permanent secretariat should be perceived as an interim measure. Afterwards, the Association can dwell thoroughly on the issue of whether to establish a single or more than one permanent secretariat. Furthermore, she also expressed her Court's desire to co-lead the research and development efforts of the Association. She wished its court's proposal to be tabled at the BoMM as proposed.
10. The representative from Turkey reiterated its proposal to have a permanent secretariat in a single country with the opportunity of six-year rotating term and it still opposed the proposal of joint permanent secretariat by Indonesia and Korea as it is not viable nor doable. Turkey also expressed its interest to host the permanent secretariat with a model of single country.
11. All the representatives agreed that decisions should also be made regarding amendments to the Association's Statute as a consequential implications of establishing permanent secretariat.





**ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS**  
Bali, Indonesia



Association of Asian Constitutional Courts  
and Equivalent Institutions

12. The Meeting hence agreed to propose the following points to be decided by the Board of Members Meeting, as follows:
- a. The decision to establish the permanent secretariat should be taken promptly. A permanent secretariat would be an important bureaucratic body that ensures the institutional memory of the Association. It would also function to pool resources from members of the Association;
  - b. The form of the permanent secretariat should be a joint permanent secretariat with reservation by Turkey's and Azerbaijan's delegations preferring a single permanent secretariat, as well as reservation by The Philippines' delegation so as to the term of the permanent secretariat. The Meeting also acknowledged the considerations from the representatives of Malaysia and The Philippines. Malaysia proposed a two year rotating secretariat to the term president apart from the joint permanent secretariat. The Philippines preferred to use the term permanent divisions rather than permanent secretariat;
  - c. The proposed joint permanent secretariat shall be open to all members and for them to assign their human resources through secondment program or any other arrangements;
  - d. The necessity to amend relevant articles of the Statute to accommodate the establishment of joint permanent secretariat;
  - e. The Russian language to be used as a second working language in accordance with the substance of the proposal from Russia as submitted;
  - f. Members were encouraged to uphold consensus in their deliberation and decision making, even though Article 14 of the Statute provides voting mechanism in decision making. The Meeting further encourage the members that still have reservations to consider the majority views as the foundation to achieve consensus.



ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS  
Bali, Indonesia



Association of Asian Constitutional Courts  
and Equivalent Institutions

***Board of Members Meeting and 3rd Congress***

13. The Chairman briefed the Meeting on the preparation made by the Constitutional Court of the Republic of Indonesia for the Board of Members Meeting and the 3rd Congress. The general overview was that the representatives were satisfied with the preparation conducted by Indonesia so far. Representative from Indonesia proposed to include the discussion on the next presidency to be discussed in the BoMM and this was supported by other members. In particular, representative from Indonesia reiterated its earlier proposal that the Secretary Generals' Meeting can also discuss the next presidency of the Association so as to lessen up the work of the BoMM. Korea's representative can concur with Indonesia's proposal while maintaining that the agenda on the next presidency can be placed as the first agenda item of BoMM.
14. In accordance with Article 21 paragraph 4 of the Statute, the Meeting made recommendations to the BoMM that the Chairperson of each meeting of the 3<sup>rd</sup> Congress would be Korea, Turkey and Indonesia, reflecting upon their previous and ongoing terms of presidency.
15. Noting since there was no candidate for the next president, and that there was no reference so far in the Statute regarding this matter, Russia suggested that the Meeting to formulate anticipatory mechanism. This could be prepared by Indonesia as the term President.
16. On the issue of the next presidency, the Meeting addressed the scenario where there was no member proposing themselves to be the president. Russia and Korea proposed that having no candidacy did not necessarily mean that Indonesia should take the next presidency. The Meeting agreed to have Indonesia as a "caretaker" which will be responsible to carry out the work of the Association up until the next president is elected.

**Bali Declaration**

17. The Meeting undertook a drafting upon the Bali Declaration which would be recommended for further discussion and approval by the BoMM. The draft Bali Declaration as revised appears as **Annex II** for consideration of the BoMM.

**Other matters**

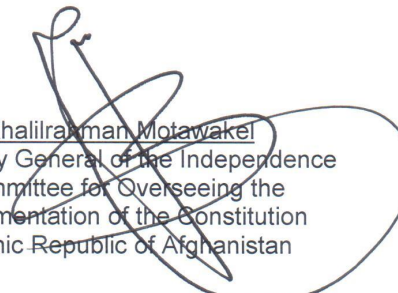
18. The Meeting agreed that any issues that had not been addressed during the Meeting would be further discussed at the BoMM.




ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS  
Bali, Indonesia



Association of Asian Constitutional Courts  
and Equivalent Institutions




Khalilrahman Motawakel  
Secretary General of the Independence  
Committee for Overseeing the  
Implementation of the Constitution  
Islamic Republic of Afghanistan




Rauf Guliyev  
Secretary General  
of the Constitutional Court  
Republic of Azerbaijan




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




Turarbek Masybaev  
Secretary General of the Constitutional  
Chamber of the Supreme Court  
Kyrgyz Republic



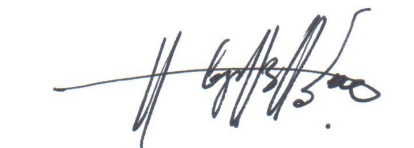
Bakyt Nurmukhanov  
Head of Legal Department  
of the Constitutional Council  
Republic of Kazakhstan



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



Aslam bin Zainuddin  
Deputy Chief Registrar  
of the Federal Court  
Malaysia



Soronzonbold Norovsuren  
Head of Department of Cooperation,  
Information, and Technology of the  
Constitutional Court  
Mongolia





ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS  
Bali, Indonesia



Association of Asian Constitutional Courts  
and Equivalent Institutions

May Hsu Hlaing  
Staff Officer  
of the Constitutional Tribunal  
Union of Myanmar

Anna-Li Papa-Gombio  
Deputy Clerk  
of Court En Banc of the Supreme Court  
Republic of the Philippines

Vladimir Sivitskiy  
Head of the Secretariat  
of the Constitutional Court  
Russian Federation

Abdumajid Gulzoda  
Chief of Staff  
of the Constitutional Court  
Republic of Tajikistan

Pimol Thampitakpong  
Secretary General  
of the Constitutional Court  
Kingdom of Thailand

Yucel Arslan  
Rapporteur Judge  
of the Constitutional Court  
Republic of Turkey



THE 3<sup>RD</sup> CONGRESS  
ASSOCIATION OF ASIAN CONSTITUTIONAL COURTS  
AND EQUIVALENT INSTITUTIONS  
8-14 August 2016, Bali-Indonesia



PROVISIONAL AGENDA  
MEETING OF THE SECRETARY GENERALS

- Item I** : **Adoption of Agenda**
- Item II** : **Follow up of the outcome of the Meeting of the Secretary Generals on 30-31 May 2016**
- a. Working Paper on the Permanent Secretariat
  - b. Proposed Amendment of the AACC Statute regarding the following:
    - 1) AACC Secretariat
    - 2) Working Language
    - 3) Financial Contribution
  - c. Board of Members Meeting and 3rd Congress
  - d. Outcome on the WCCJ Bureau Meeting
  - e. Cooperation with CCJA
- Item III** : **Other matters**

Draft of Secretary Generals' Meeting, 9-Aug-2016

## **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 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 and 12 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 court and equivalent institutions particularly through landmark decisions.
3. In the light of our past experience and findings of the present Congress, we declare as follows:
  - We reaffirm that constitutional courts and equivalent institutions have important roles for protecting citizens' constitutional rights against infringement 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 systems of government.

## Draft of Secretary Generals' Meeting, 9-Aug-2016

- We believe in the constructive collaboration 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 courts and equivalent institutions, for the protection of human rights, democracy, and the rule of law.
- 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 (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.
- We resolve our collective efforts in strengthening the functions of AACC by establishing a permanent 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.
- To further the efforts in protecting human rights and strengthening democracy, we enhance the global cooperation with other organization of regional groups. 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.
- Appreciating the Constitutional Court of the Republic of Indonesia for successfully hosting the Third Congress of the AACC, we agree that -----  
----- holds the 4<sup>th</sup> Congress within the next two years. [we agree that Indonesia will act to serve as caretaker until the next President being elected].

Draft of Secretary Generals' Meeting, 9-Aug-2016

Signed on August 12, 2016 in Bali, Indonesia by:

**Mr. Abdullah Shafae**

**Member of the ICOIC of the Islamic Republic of Afghanistan**

**Mr. Farhad Abdullayev**

**Chairman of the Constitutional Court of the Republic of Azerbaijan**

**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. Erkinbek Mamyrov**

**President of the Constitutional Chamber of the Supreme Court  
of the Kyrgyz Republic**

**Mr. PARK Han-Chul**

**President of the Constitutional Court of the Republic of Korea**

**Tun Arifin bin Zakaria**

**Chief Justice of the Federal Court of Malaysia**



Draft of Secretary Generals' Meeting, 9-Aug-2016

**Mr. Jantsan Navaanperenlei**  
Chairman of the Constitutional Court of Mongolia

**Mrs. Hla Myo Nwe**  
Member of Tribunal of the Constitutional Tribunal  
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







MAHKAMAH KONSTITUSI  
REPUBLIK INDONESIA

