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Dear Chairman, ladies and gentlemen; first of all, I would like to thank the organizers for their kind invitation. I am very glad to be in Ankara and it is the third time that I have been here. Previously, I participated in some activities organized regarding the constitutional amendments and new functions of the Turkish Constitutional Court.

Now, our organizers have wanted me to tell something about the Venice Commission and its activities (<http://www.venice.coe.int/>). I have been acting in the Venice Commission almost since the beginning of its activities. I even represented the former Yugoslavia. However, when Yugoslavia was divided into many independent states, I stayed at the Slovenia part. Therefore, I would have a lot of things to tell you, yet I will keep to the time limit and I will not bombard you with so much information at this late hour.

Many international associations were established in the past and they were defending democratic values. The oldest one is the European Conference of Constitutional and Supreme Courts. It was established in Dubrovnik, which is now in Croatia but used to be in the former Yugoslav Federation. One of the first topics discussed in Dubrovnik was the relation between constitutional courts and ordinary courts because the legal remedies (in form of the constitutional complaint) brought before the constitutional courts would always pose some pressures and tensions the ordinary courts. The fact that the ordinary courts accept them or the constitutional courts intervened in the judiciary could not be accepted very easily. The second international association was established in Yerevan within the Commonwealth of Independent States in 1997. The third group of the constitutional courts and supreme courts was established as the South American Group in San Jose, Costa Rica. This group was later transformed into the Ibero American Group including supreme courts and constitutional courts dealing with constitutional issues. There was also the Arabic Group established regarding the constitutional courts and supreme courts. Then Western African Group of the constitutional courts was formed in Benin. Later, the French- speaking group (ACCPUF) was formed concerning the constitutional courts. They were rather regional foundations or associations.

I would like to mention the South African group at this point. Additionally, the Asia Constitutional Courts Union, the Central Asia Law Initiatives, the European Administrative Judges Association were established as well. All of them are of different structures. However, as regards the most universal one among these organizations, the Venice Commission of the Council of Europe was established with the support of the Council of Europe.

The Venice Commission celebrated its 20th anniversary last year. However, the first initiative to establish the Venice Commission started in Lisbon in 1987, according to some records, which I keep. It was the year when the then European Conference of constitutional courts took place in Lisbon. The initiators of this initiative are two distinguished gentlemen. One of them was Professor La Pergola, who was the chief judge of the then Italian Constitutional Court, and the other was Mr. Zeidler, who was the chief judge of the Federal Constitutional

Court of Germany at that time. They suggested a proposal: There would be a universal commission and/or documentation centre established which would deal with promotion of the democratic values and also would be responsible for following- up this process. At that point, this proposal was rejected, yet the idea was accepted in general. However, there were some fears and concerns because of the financial side of it. This project, what the proponents wanted to do, was actually the foundation of the international documentation centre of constitutional justice in Bologna, Italy. Unfortunately, Mr. Zeidler, the chief judge of the Federal Court of Germany, passed away in a traffic accident and Mr. La Pergola became alone in this initiative. Then, he tried to encourage the Council of Europe for this idea for four years; later on, some preparatory sessions were held for it in Italy and finally, to say it officially, the Venice Commission started its activities in 1991 and the Venice Commission Statute was adopted in 1991.

The Venice Commission officially works in Strasbourg, yet the meeting place is Venice. It is not because of the romantic Venice spirit, but it has a logistic explanation. The Vittorio Veneto Administration was so kind to propose a good meeting place to the Venice Commission. It is the Scuola San Giovanni Evangelista in Venice. In reality, in the 90's the Venice Commission became the most important institution dealing mainly with separation of powers, the rule of law and social welfare state.

As regards the members of the [Venice Commission](#): They are not only the European countries anymore as the official contract of the Venice Commission was extended in 2002 and a provision saying that non- European countries can also participate in the Commission and can be a full member was included. The members of the Council of Europe are not automatic members of the Venice Commission. They are required to sign the Venice Commission Statute and to contribute to the budget of the Venice Commission because Mr. La Pergola succeeded in separating the budget of the Venice Commission from the budget of the Council of Europe; however, its budget works within the Council of Europe.

Some non- European countries are full members of the Venice Commission as Brazil, Chile, South Korea, Israel, Mexico, Algeria, Tunisia, West Sahara are among them. There are many observers and associate members in the Venice Commission such as Canada, Japan, the United States of America and Argentina.

The Venice Commission has many sub-commissions. Such sub-commissions were established for the constitutional reforms, establishment of the democratic institutions, constitutional justice, federal and regional states and protection of minorities. Surely, they exist in the field of international law and judiciary.

In respect of the Mediterranean Region, there was a special sub-commission created, a special sub-commission for the Eastern Europe, a special sub-commission regarding the administrative budget problems. There were some sub-commissions established for some extraordinary issues.

Regarding the organisation of the Venice Commission, there were two groups formed. The first group consists of members which are appointed by the member states of the Venice

Commission. Two people represent each country and one of them is an official representative and the second one is his/ her assistant. These people are assigned through the election and upon the proposal of the national ministry of justice or national ministry of foreign affairs. The second group, which we express as the Joint Council, has been active since 2002 and was established officially in Larnaka, Cyprus. This Joint Council consists of the members proposed by the national constitutional courts or supreme courts.

As regards the results of the activities of the Venice Commission, it has been managing a very rich Documentation centre in Strasbourg and significant efforts were made to collect legal information. Important documents particularly about the opinions regarding the judiciary and constitutional courts are kept in the [CODICES database](#). It is possible to access them in three languages: French, English and their national language. It is possible to find historical and current legal information especially regarding the activities of the constitutional courts.

There has been a Bulletin of Constitutional Case-Law (jurisprudences of the constitutional courts and supreme courts dealing with constitutional matters). It is available in a hardcopy and as a CD- ROM. This bulletin has been published for almost 15 years and there was a systematic French- English dictionary (thesaurus) of constitutional law created, as well. It is a huge work in which discussions of many professionals are reflected. The systematic dictionary-thesaurus is actually an excellent basis for processing of documents produced and presented by the supreme courts and the constitutional courts. They are also kept in the CODICES database on the basis of the same model. I would like to advertise Slovenia a little because in the very past actually the Slovenian model of processing of constitutional case-law was adopted as a background. Slovenia, namely, created such model in 1963 and the same model was transformed in the electronic form in 1986 when the Slovenian Constitutional Court introduced the electronic supported legal information system. Based on such common model, almost 80 countries have been participating in this common legal information project. I am not talking about only Europe but also the other parts of the world.

The Venice Forum is also one of the activities of the Venice Commission. Indeed, it is a network primarily supporting the legal information exchange and cooperation between national liaison officers (members of the Joint Council and appointed by national supreme and constitutional courts) and other professionals-experts dealing with the constitutional issues.

Other activities relate to cooperation agreements. Cooperation agreements were concluded between the Venice Commission and almost all the other (already mentioned) regional associations and unions. As you remember, I mentioned them at the beginning of my speech and more activities are possible thanks to them.

There have been also the so-called UNIDEM seminars organized. These seminars touch upon the issues about the judiciary and constitutional judiciary issues, comparative judiciary issues. Additionally, the so-called Co-Co seminars have been organised as special seminars on different topics and held upon demand of the particular national Supreme Court or the Constitutional court.

Furthermore, there were many comparative analyses inspired and created within the Venice Commission. They are conducted by different institutions and based on the comparative constitutional reviews and they are collected in a common database.

As regards the most important activities of the Venice Commission, we see that they were many national constitutional and judiciary reforms discussed and supported. We see that the assistance could be provided at the constitutional and at the legal level. Special areas are elections, referendums and political parties. All respective documents have been stored in special records/databases. The cooperation between the constitutional courts and the governmental bodies is pursuant to it. Cooperation between the participants of such projects is important. There were also many Trans boundary studies and activities conducted.

There are different working methods of the Venice Commission: Firstly, the Venice Commission can comment on a draft law upon a request of a country, or interpret a draft law and review the provisions of a draft law. There are many international groups composed by different national legal experts, and the opinions are submitted to the country which has made the request, based on these comments. The second method is the political agreement. In principle, the Venice Commission does not interfere with the politics. However, there are some examples when the Venice Commission tries to give such assistance within the framework of the constitutional assistance. I remember such a situation from South Africa. Following the system changes in early 1990s, there were some requests from South Africa. In the past, it was similar in Croatia too. Such request was submitted to the Venice Commission when the problems arose between the Croatian majority and Serbian minority.

Another working method is reviewing the constitutional law. As I mentioned before, there have been some special sub-commissions acting in this field and it is possible to find even some “amicus curiae” examples.

There is a long list of issues when the Venice Commission assisted and supported particularly in the field of [judiciary reform](#). There have been almost 445 interventions by the Venice Commission up to the present. I am talking about particularly the figures of the activities carried out for this issue. If you check the list of the countries you can see that they are very new democracies and the countries which changed their system in 1990s. Turkey is on the list, too, and Hungary is not alone on the list. That is to say, there was a very useful cooperation regarding Turkey in the past and this cooperation was about the constitutional amendments and amendment in the Turkish Constitutional Court Act.

Concerning Turkey again, a draft law about the judges and prosecutors was discussed at the Venice Commission. The Venice Commission presented an affirmative opinion about the draft law on the judges and prosecutors. However, it gave some recommendations particularly in order to clarify supervision, audit and observation. Regarding the new functions of the Constitutional Court such as the individual constitutional complaint to the Constitutional Court, it was achieved in Turkey. The Venice Commission explained that the establishment of such individual legal remedy means an important interface between the ordinary national court system and the European Court of Human Rights. This interface is under sovereignty of the Constitutional Court.

Now, you can see what kind of different supports were given to these countries on the list very clearly. However, I do not have enough time to tell them one by one and I will not be able to mention their contents in details.

I will try to summarize my story like this: Mr. La Pergola would be glad with it because the Venice World Conference was held in 2008. While the Constitutional Court of South Korea was celebrating their 20th anniversary in 2008, they came to this conclusion: It is useful to expand the activities of this Venice Commission to the world, and in this context, this conference was officially held in Cape Town in 2009. This first topic was reviewing the constitution and dealing with the protection of human rights. The second World Conference was held in Rio, Brazil in 2001. Separation of powers was discussed there.

To conclude this presentation, we see that similar issues such as separation of powers, relations between the ordinary courts and the constitutional courts are still being discussed within these institutions, and many similar issues were discussed many years ago, as well.

Thank you for listening to me. My presentation is over.

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