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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**In co-operation with
The Constitutional Council of Algeria**

Colloquy on Constitutional Interpretation

Algiers, 30-31 October 2008

SYNOPSIS

The Venice Commission organised a Colloquy on « *Constitutional Interpretation* » (Algiers, 30-31 October 2008) in co-operation with the Constitutional Council of Algeria.

The purpose of this Colloquy was to discuss and exchange information on the methods used by Constitutional Courts and Councils to interpret not only the Constitution itself but also other legislation or draft legislation submitted to them for scrutiny.

The Colloquy was opened by Mr Boualem, Bessaïh, President of the Constitutional Council of Algeria and Mr Gianni Buquicchio, Director, Secretary of the Venice Commission of the Council of Europe.

Around 50 participants took part in the Colloquy from Algeria, Armenia, Burkina Faso, Italy, Libya, Mexico, Romania, South Africa and Tunisia, including Judges, Secretary General or members of Constitutional Courts or Councils and Professors of International and Constitutional law. During the two days there was fruitful discussion on the question of the authority of decisions making the constitutionality of a text dependent on a specific interpretation and the reaction of the authorities to which they are directed. The participants considered the various interpretation techniques such as literal, historical, systematic and teleological interpretation, which can be used either individually or together, putting forward arguments for why a specific technique was more appropriate than another for a given case. In addition to these methods relating to the text, the constitutional judges may also use techniques relating to the result of the examination of the case by determining whether the interpretation was in conformity with the constitution, which has to be applied by all state bodies (in French *reserve d'interprétation* or *interprétation conforme* or *neutralisante*). Other relevant concepts, such as the Italian concept of *diritto vivente* (living law) were also discussed.

Together with the Colloquy, the Venice Commission held a preparatory meeting for the World Conference on Constitutional Justice (Cape Town, 23-24 January 2009). Representatives of the regional Groups (Francophone, Young Democracies, Conference of European Constitutional Courts, Ibero-American Conference on Constitutional Justice, Southern African Judges Commission, Union of Arab Constitutional Courts and Councils) as well as members of the Constitutional Council of Algeria participated in this preparatory meeting.