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**Co-operation agreement  
between  
the Venice Commission  
and  
the Union of Arab Constitutional Courts and Councils**

Aware of the importance of the exchange of opinions in the field of constitutional law, which is the basis of the universal principles of democracy, rule of law and human rights;

Considering that constitutionalism calls for constitutions to be applied in practice;

Aware of the importance of supervisory mechanisms guaranteeing the precedence of the constitution in each state's domestic legal system;

Considering that monitoring compliance with the constitution is one of the main functions, if not the *raison d'être* of Constitutional Courts and Councils;

Considering that the role played by the Venice Commission to facilitate the exchange and co-operation with Courts and similar Constitutional Councils;

Considering the importance attached to the encounters between judges from various courts at common seminars and working meetings in view of developing this fruitful co-operation;

Considering that, in the context of the recent sweeping movement to establish constitutional justice throughout Europe, the Arab countries also made major constitutional reforms, each in keeping with their conditions, as a result of which they also developed constitutional review mechanisms;



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..... : التاريخ

Noting that, in this connection, aware of the need to establish a forum for pooling experience, at the initiative of Algeria and Egypt, 11 Arab countries met in Algeria on 25 and 26 June 1997 to found the Union of Arab Constitutional Courts and Councils;

Considering that the Union brings together the Courts and Constitutional Councils from 13 countries (Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Palestine, Sudan, Tunisia and Yemen) and that other Arab countries are expected to join;

Bearing in mind that the Union pursues several aims, including those of establishing and extending co-operation with similar institutions throughout the world and of taking part in international conferences on the subject of constitutional review, and that these aims are entirely in keeping with those pursued by the Venice Commission;

Taking into consideration the common desire of both Venice Commission and the Union of Arab Constitutional Courts and Councils, to strengthen future collaboration between both of them, and that the result of this cooperation would be as fruitful as hoped for; it was decided to negotiate and finalise the Agreement hereunder;

This agreement is based on the draft provided by the Scientific Committee of the Arab Union, which was considered, discussed and approved in its meeting held 16<sup>th</sup> of February 2008, which was approved later on by the General Assembly of the Arab Union during its 11<sup>th</sup> plenary. Accordingly; both parties approved and signed the following Agreement:

#### Article 1 - Contributions to CODICES

The Constitutional Courts and Councils which are members of the Union are invited to contribute to the CODICES database. For this purpose, they shall appoint liaison officers, who shall submit their institutions' leading constitutional case-law for inclusion in the CODICES constitutional law database three times a year, as well as its official translation.



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..... : التاريخ

Case-law contributions shall be centralised by the Secretariat of the Union or one of its members, which shall ensure that they are consistent in form and properly indexed in accordance with the Commission's Systematic Thesaurus so they can be added to the database without any further processing.

#### Article 2 - Exchange of publications

Courts and Councils which are members of the Union shall, if they so wish, receive free of charge publications from the Venice Commission (in the Science and Technique of Democracy series) together with the *Bulletin on Constitutional Case-Law* and the CODICES CD-ROM.

Courts and Councils which are members of the Union shall send their publications free of charge to the Venice Commission's multilingual Documentation Centre on Constitutional Justice in Strasbourg.

#### Article 3 - Joint seminars

Insofar as budgetary constraints allow and thanks in particular to any voluntary contributions made, the Union and the Commission shall hold joint seminars.

#### Article 4 - Participation in meetings

A representative of the Union shall be invited to take part in the meetings of its Joint Council on Constitutional Justice as well as in colloquies and scientific events organised by the Commission.

A representative of the Commission shall be invited to take part in the scientific events, which the Union organises.

#### Article 5 - Financial provisions

The costs relating to the inclusion into the CODICES database of the data prepared according to Article 1, paragraph 2, of this agreement, are covered by the Venice Commission, which also manages the database.

Depending on the availability of financial resources stemming from possible voluntary contributions from member states, the expenses of the organisation



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of joint seminars between the member courts of the Union or the Union itself and the Venice Commission are split between the organising court or the Union and the Venice Commission. The Commission can contribute to the expenses directly linked to the organisation of the seminars (rental of hall, interpretation and interpretation equipment etc.) and cover the expenses of rapporteurs invited by her.

Each party covers the expenses of its own participation in meetings organised by the one or the other party.

#### Article 6 - Length and termination of the agreement

The present agreement shall enter into force the day following the date of signature by the representatives authorised by the two parties, to sign the agreement.

The agreement may be terminated by any of the parties, by written notification.

Done in six authenticated copies (two in Arab, two in English and two in French), in the residence of the Union in Cairo on 24<sup>th</sup> of June 2008.

Dr. / Abd El-Rahman Abou Touta

The President of the UACCC

Mr. / Jan Erik HELGESEN

The President of the Venice  
Commission