



**Influential Constitutional Justice: its influence on society
and on developing a global human rights jurisprudence**

**World Conference on Constitutional Justice
Cape Town, 22 – 24 January 2009**

**organised by
the Constitutional Court of South Africa
and
the Venice Commission**

**Dinner speech by
Mr Gianni Buquicchio
Director, Secretary of the Venice Commission**

Mr Chief Justice,
Honourable Presidents and Justices,
Dear participants,

The discussions during the two days of our conference have shown that Constitutional Courts, Constitutional Councils and Supreme Courts all over the World share common concerns.

We have seen that your courts often have a strong influence on society in your countries. This influence is not a political one. The courts are neutral actors but you ensure that the political actors remain within the framework of the Constitutions.

It happens that these players - government or parliament - are not very pleased when their acts are set aside by the courts and will criticize you publicly, sometimes even asking whether unelected judges have a right to oppose the elected representatives of the people.

We can calmly and convincingly reply that the authority of the courts to do so derives from a higher authority, it derives directly from the Constitution, which is the frame within all state bodies have to act and which they have to respect.

During our discussions we also have been able to witness how similar the approaches of the various courts are in human rights issues. Of course, we do not overlook that there are differences in interpretation from one court to another but, much more often than not, the courts base their legal reasoning on safe common ground. We have explored these differences and this common basis and we have seen the impact, which the regional groups have on widening the common ground.

I am confident that our Conference has been able to expand the role of the regional groups. Let me thank all the participating groups for their strong implication in the run up to this World Conference – at the preparatory meetings in Vilnius, Seoul and Algiers and even before. The World Conference has given occasion to each group to make itself better known to the others and I know that many useful contacts were made. The Venice Commission always supported these groups and relations both within and between them. We will continue to do so also in the future.

In addition, we have seen that the courts can fruitfully exchange on a global level. This World Conference is to be only the first of its type and the Venice Commission will invite you to another Conference, which will build on the results of this first one. With the adoption of the final declaration we have established a group of groups, a bureau, which will allow the regional bodies to carry on the impetus of the World Conference.

The Venice Commission endeavours to support you as best as we can. We are thinking about the creation of a structure, maybe in the form of an association, which will allow each court to benefit from the full range of services, which the Venice Commission can provide to the courts in its member states.

In the meantime, I call upon the participating courts to make full use of the tools of exchange, which the Venice Commission already offers. I invite you to present your important case-law to the other courts via the [CODICES database](#) and to inform the other courts about your activity via the Venice Forum. I should underline that these services will be available not only to the courts members of the regional groups but to all courts represented here at the World Conference. [Mr Dürr](#) - present here - is the person who can provide you with full access to these formidable instruments for judicial exchange.

Mr Chief Justice,

Please let me thank you and the Constitutional Court as well as the Department for Justice and Constitutional Development for the excellent organisation of this unique event. We also owe to the interpreters who made it possible for us to understand each other, allowing us to come to an understanding.

I do look forward to meeting you again at the second World Conference on Constitutional Justice and for many of you, I hope, well before then.

Thank you very much for your participation and your kind attention.