



**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**

**Speech by  
Mr Jan E. Helgesen  
President of the Venice Commission**

Your Excellency, President of the Republic of South Africa,  
Honourable Chief Justice of The Constitutional Court,  
Honourable Minister of Justice and Constitutional Development,  
Madame Deputy Secretary General  
Distinguished Participants,

I am extremely pleased to see that so many representatives of so many courts have accepted our invitation to come to this important event. It is the first time that a World Conference on Constitutional Justice brings together constitutional courts, constitutional councils and supreme courts from all over the World.

I would like to start by thanking warmly Chief Justice Langa personally, as well as the Constitutional Court of South Africa and the Ministry for Justice and Constitutional Development of South Africa for kindly hosting us and for having organised this conference in an efficient, friendly and such a marvellous way.

Chief Justice Langa,

In your welcoming address last night, you said that Cape Town is a very special city. Let me assure you, Chief Justice, that South Africa is a very special state to all of your guests at this World Conference. None of us, present here today, will ever forget when Nelson Mandela, having served 27 years of harsh imprisonment, 18 of them on Robben Island, told the world that the past of South Africa belongs to the past. And the future of South Africa belongs to the coming generations.

The Venice Commission was involved in the drafting of the Interim Constitution of South Africa. I was one of the rapporteurs for the Commission on this issue. We had meetings in Oslo and in South Africa. As a president of a collective body, I shall not be too personal. Allow me to express, however, that today, some 15 years later, I am grateful for having been involved in such an exciting and promising process.

There are few states where the First World Conference on Constitutional Justice could better be placed than in South Africa. We, the participants at this Conference, wish strongly to support the future generations of South Africa.

Many of the participants have already been in some contact with the Venice Commission. For the others, let me remind you that the Commission, whose official name is The European Commission for Democracy through Law, is a body of the Council of Europe in the field of constitutional law. The Commission is composed of independent members, who typically are constitutional judges or law professors. While part of a European organisation, the Commission can accept non-European states as a full member, and it already has full members in Africa, in the Americas and in Asia.

Assisting constitutional courts and equivalent bodies is an important part of the activity of the Venice Commission. The prime goal of this activity is to facilitate and promote an exchange between the courts, allowing for so-called 'cross-fertilisation' between them. While each constitution is different, we are convinced that legal arguments based on common principles can and do travel from country to country.

In order to assist the courts, the Commission has set up a number of services. While some, like the publication of the *Bulletin on Constitutional Case-Law*, are reserved for the courts in member states, others are open to courts which co-operate with the Commission through a regional body.

These key services are the CODICES database and the Venice Forum. The CODICES database already contains some 5700 judgments, together with constitutions and laws on the courts. The Venice Forum provides for confidential exchanges between the courts, where they can announce recent and upcoming judgements and can seek information on a given subject from their peers.

While the Venice Commission started its activity in Europe, soon courts and groups of courts from other continents sought to participate. Since nearly 15 years we co-operate with the Constitutional Court of South Africa and we helped to establish the Southern African Judges Commission. Our other partners are the Association of French Speaking Courts, Constitutional Courts of the New Democracies, the Ibero-American Conference of Constitutional Justice and, most recently, the Union of Arab Constitutional Courts and Councils. We also co-operate with a group of Asian courts, who even might use part of their meeting this afternoon to advance in establishing themselves as a formal association.

The Venice Commission promotes exchanges within these groups, but also between them and between courts in the various regions. Therefore, we proposed to organise this World Conference, which gathers courts from all these groups. Of course, we have also invited the apex courts in Commonwealth countries, we cordially extend our offer to co-operate to you. It seems that recently also a group of Portuguese speaking courts has been established, and we might hear more about this development during our Conference.

I am convinced that our World Conference on Constitutional Justice will allow strengthening these regional groups and their members. We perceive this first World Conference not as an isolated event, we wish to continue this co-operation through further conferences in due time. As a means to bridge the time between such events, we could even envisage gatherings of the presidencies and secretariats of the groups in the form of a more permanent Bureau or "group of the groups". For any suggestions, you can advise Mr Buquicchio or myself during the Conference, and I suggest to discuss this issue also in the plenary towards the end of the Conference.

I do look forward to the discussions at our Conference. Both the impact of constitutional justice on society, as well as a global human rights jurisprudence, are passionate topics. I am sure that we can learn a lot from each other.

Thank you very much for your attention.