

PART X
FINAL PROVISIONS

Article 30 Entry into Force

This Statute shall enter into force when all the members of the Preparatory Committee agree on the Statute. The approved Statute will be adopted and announced at the opening ceremony of the Association to bring formality to the scene and finalize the effectuation.

Article 31
Original Copy

This Statute shall be drawn up in English. If translation of this Statute is made for reference purpose, the English version shall be authentic.

Article 32 Dissolution

The Association may be dissolved by a decision of the Board of Members. The remaining finances, if any, shall be distributed proportionally between the contributors.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective constitutional court or equivalent institution, have signed this Statute in a single original in the English language.

DONE in _____, on _____, 200_____

THE WORLD CONFERENCE ON CONSTITUTIONAL JUSTICE

SCHNUTZ RUDOLF DÜRR

The Venice Commission co-operates not only with Asian courts but also with other regional and linguistic bodies: Ibero-American, European, Southern African, French Speaking, Portuguese speaking, Arabic. In January of this year the Commission invited all these regional partners the first time to the World Conference on Constitutional Justice. I am glad to see here some of you who were present at this very successful event in Cape Town. Some 10 regional groups and 93 Courts and Councils met at this occasion. The Conference adopted a final declaration, which calls for the establishment of the Conference as a permanent body.

In April 2009 the Bureau, composed according to the Cape Town Declaration of the representatives of the regional and linguistic groups, met in Mexico and prepared a draft Statute. This draft Statute envisages *inter alia* that the Asian Constitutional Courts be invited to become a founding group of the World Conference.

Already in Mexico, the Ibero-American Conference welcomed this draft statute in principle. Since then, the Joint Council on Constitutional Justice (Courts in member and observer states of the Venice Commission), French Speaking Courts – ACCPUF and the Southern African Chief Justices Forum have met and welcomed the idea of the creation of a World Conference on Constitutional Justice.

I would like to use the occasion of the present Asian Conference for presenting a few of the main elements of this draft Statute and for seeking your approval for the establishment of the World Conference.

The Membership in the World Conference will be both to individual constitutional and supreme courts exercising constitutional jurisdiction as well as the regional or linguistic groups uniting them.

The objectives of the World Conference are the promotion of constitutional justice

- understood as constitutional review including human rights case-law – as a key element for democracy, the protection of human rights and the rule of law. The World Conference promotes the exchange of experiences and case-law within the groups, between them and between the individual courts and supports the independence of its members.

At least every three years, the World Conference will organise events called congresses like the first one in Cape Town. The World Conference will have its case-law database and web-forum as a means to enable regular exchanges between the members between the congresses. For this purpose, the Venice Commission will provide its CODICES database with already some 7000 cases and the well-established Venice Forum. Upon their request, the Conference will also be able to offer its good offices to its members.

The Conference is to have three organs. The General Assembly is composed of the individual courts and meets at the occasion of the congresses. The regional and linguistic groups are represented in the Bureau of the Conference. The Presidency of the Bureau, which represents the World Conference in external contacts, rotates annually between the groups. The Bureau, which meets annually, *inter alia* decides on the topic and venue of the next Congress, and - upon their request - offers its good offices to the members of the Conference. It is foreseen that the Venice Commission ensures the Secretariat of the Conference.

A topic intensely discussed within the regional groups which met so far was finances. While the financial contributions by the members are of course welcome, the draft Statute does not contain any obligation to contribute to the budget.

Here in Ulaanbaatar, I would kindly seek your approval in principle of this draft Statute and I look forward to your remarks and possible proposals for amendment.

What are the next steps? In October, the Conference of Constitutional Control Organs of Countries of Young Democracy and the Conference of European Constitutional Courts will examine the draft Statute. The same month, the Bureau of the French speaking courts will meet again to formulate any proposals for amendment. Informally, already in October and formally at their meeting in December, the Arab Courts will discuss the World Conference. Finally, on 12 December, the Bureau of the World Conference is to meet again, this time in Venice, Italy, with a view to finalise the draft Statute and to open it for acceptance by the groups and individual courts.

If you have not yet been able to do so, I would be grateful if you could look through the draft Statute and inform me whether you and your Court agree with the idea of the Creation of a World Conference in principle and whether you have any suggestions for amendments to the draft Statute, which could be discussed and integrated at the Bureau meeting in December.

I should also like use this occasion to inform you that the Federal Supreme Court of Brazil has kindly offered to host the Second Congress of the World Conference on Constitutional Justice in Rio de Janeiro, in early 2011. Your Courts will of course be invited to this event.

Thank you very much for your kind understanding and assistance in the endeavour to establish a World Conference on Constitutional Justice.

PROGRAMME

CONSTITUTIONAL REVIEW AND SEPARATION OF POWERS

SIXTH CONFERENCE OF
ASIAN CONSTITUTIONAL COURT JUDGES
24 TO 26 SEPTEMBER 2009
ULAAH BAATAR/MONGOLIA

THURSDAY, 24 SEPTEMBER 2009

Arrival of International Participants
at Chinggis Khaan Airport at Ulaanbaatar

Transfer to Hotel KEMPINSKI -Khan Palace

FRIDAY, 25 SEPTEMBER 2009

0900 – 0920 hrs Welcome and Opening Remarks

Hon. Prof. J. Byambadorj

Chairman of Constitutional Court of Mongolia

Dr. Thomas Schrapel

Country Representative of Konrad Adenauer Stiftung to Mongolia

0920 – 0950 hrs Keynote Speech

Hon. Prof. Dr. J. Byambadorj

Chairman of Constitutional Court of Mongolia

0950 – 1000 hrs **Photo Session**

1000 – 1015 hrs Tea & Coffee Break

Editor
Clauspeter Hill

Publisher
Konrad-Adenauer-Stiftung
34 Bukit Pasoh Road
Singapore 089848
Tel: +65-6603 6171
Fax: +65-6603 6170

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Hotfusion
7 Kallang Place
#04-02
Singapore 339153
www.hotfusion.com.sg

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