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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**STATUTE
OF THE WORLD CONFERENCE
ON CONSTITUTIONAL JUSTICE**

23 May 2011

Preamble

Whereas on 22-24 January 2009, the Constitutional Court of the Republic of South Africa and the Venice Commission of the Council of Europe organised the 1st Congress of the World Conference on Constitutional Justice;

Whereas the 1st Congress brought together 93 Courts and Councils belonging to the following regional and linguistic groups:

- Asian Constitutional Courts
- Association of Constitutional Courts using the French Language (ACCPUF)
- Commonwealth Courts
- Conference of Constitutional Control Organs of Countries of Young Democracy
- Conference of Constitutional Courts of Countries of Portuguese Language
- Conference of European Constitutional Courts
- Ibero-American Conference on Constitutional Justice
- Southern African Chief Justices Forum
- Union of Arab Constitutional Courts and Councils.

Whereas the participants of the 1st Congress,

- recognising the key role of the regional and linguistic groups in the promotion of constitutionalism,
- entrusted a Bureau, composed of the Presidents of the regional and linguistic groups and the three Courts which hosted the preparatory meetings (Vilnius, Seoul, Algiers), with making proposals for the establishment of a World Association open to the Courts belonging to the regional or linguistic groups;

The Bureau hereby approves the text of the Statute of a permanent World Conference on Constitutional Justice as set out below:

Article 1. Objectives

(1) The World Conference on Constitutional Justice (“the World Conference”) promotes 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.

(2) The World Conference aims to achieve these objectives by:

- organising regular Congresses uniting all members on a global scale;
- participating in regional conferences and seminars;
- promoting the exchange of experiences and case-law within the regional and linguistic groups, between them and with individual members;
- offering good offices to its members upon their request;

Article 2. Membership

(1) Constitutional Courts and equivalent bodies (Constitutional Councils, Supreme Courts exercising constitutional jurisdiction, Constitutional Chambers, etc. - “Courts”), which are members of the groups set out in Article 4.b below as well as Courts participating in the Joint Council on Constitutional Justice of the Venice Commission, are entitled to membership in the World Conference. Courts become Conference members (“Members”) by giving written notification to the Secretariat.

(2) Requests for membership for courts, which are not entitled to membership under the

paragraph above, shall be addressed to the Secretariat together with a presentation of the activity of the requesting court and a letter of motivation. If there is already a Member from the country of the requesting court, the Secretariat shall inform the Member of this request, with a view to enabling the Member to express an opinion, which will be forwarded to the Bureau and the General Assembly. The General Assembly decides on membership on the basis of a recommendation by the Bureau. The Bureau may invite a candidate for membership to participate in the activities of the World Conference on a provisional basis.

(3) Only one Court per country is eligible for membership. However, if there is more than one national Court exercising constitutional justice in any country, those Courts shall be eligible for membership. Full members of regional groups shall be eligible for membership notwithstanding the above criterion. If there is more than one member from a country, those members shall dispose of only one vote and share any financial burden equally between them.

Article 3. Congress

(1) The World Conference shall organise a Congress at least every three years. The Bureau decides on the venue and, after written consultation with the General Assembly, on the topic of the Congress.

(2) All members and representatives of the groups participating in the Bureau shall be invited to the Congress. Observers and guests may be invited, with the consent of the hosting court ("the Host Court") and the Bureau.

Article 4. Organs

a. General Assembly

(1) Members form the General Assembly of the World Conference, which meets at Congresses. In urgent cases, the General Assembly may make a decision in written form. The Host Court presides the General Assembly.

(2) The General Assembly is convoked by the Secretariat upon instruction by the Bureau.

(3) The General Assembly may, in particular:

- following a proposal by the Bureau, admit individual courts or equivalent bodies as members (Article 2);
- elect three members of the Bureau (Article 4.b);
- decide on the admission of additional groups (Article 4.b);
- examine the report of activities presented by the Bureau (Article 4.b);
- establish a scale of financial contributions (Article 6.1);
- amend the present Statute (Article 8);
- in cases of flagrant violation by one of its members of the principles on which the World Conference is based (Article 1), suspend that member on the basis of a proposal by the Bureau (Article 9)

b. Bureau

(1) The Bureau of the Conference ("the Bureau") is composed of representatives of the regional and linguistic groups, the Host Court of the previous and the next Congress, and three Courts elected by the General Assembly. One of those three Courts shall be elected from among Courts not member of a regional or linguistic group, if there are at least five such Courts that are Conference members.

(2) The following groups may participate in the Bureau if they so wish:

- the Association of Asian Constitutional Courts and Equivalent Institutions
- the Association of Constitutional Courts using the French Language (ACCPUF)
- the Commonwealth Courts
- the Conference of Constitutional Control Organs of Countries of New Democracy
- the Conference of Constitutional Courts of Countries of Portuguese Language
- the Conference of Constitutional Jurisdictions of Africa
- the Conference of European Constitutional Courts
- the Ibero-American Conference on Constitutional Justice
- the Southern African Chief Justices Forum
- the Union of Arab Constitutional Courts and Councils.

(3) Additional groups can be admitted by the General Assembly by 2/3 majority vote (Article 4.a).

(4) The Bureau Presidency shall rotate annually between participating groups in the alphabetical order in the English language. If the presiding group is not present, the last Presidency present shall preside the Bureau meeting instead. The Bureau Presidency and the Secretariat represent the World Conference (e.g. at conferences of its members or regional or linguistic groups).

(5) The Bureau may be convoked by its Presidency on its own initiative, at the request of a majority of the members of the Bureau or by the Secretariat.

(6) The Bureau shall meet before the General Assembly at each Congress. Other Bureau meetings may be held annually. In urgent matters, the Bureau may make its decisions in written form.

(7) The Bureau may, in particular:

- make a decision on the venue and, after written consultation with the General Assembly, the topic of each Congress (Article 3);
- prepare a report of activities for examination by the General Assembly (Article 4.a);
- exempt in duly justified cases a member from making a financial contribution to the World Conference (Article 6.2);
- adopt guidelines governing acceptance by the World Conference of financial contributions from public bodies, governments and intergovernmental organisations and accept or reject financial contributions consistently with such guidelines (Article 6.3);
- adopt resolutions in accordance with the World Conference's objectives (Article 1);
- examine the financial report submitted by the Secretariat (Article 6.4);
- make proposals to the General Assembly for the admission of new members (Article 2);
- invite a candidate for membership to participate in the activities of the World Conference on a provisional basis (Article 2);
- offers its good offices to the members upon their request (Article 1);
- make proposals to the General Assembly for the suspension of a member (Article 9).

c. Secretariat

(1) The Venice Commission of the Council of Europe provides the Secretariat of the Conference.

(2) The Secretariat:

- keeps up to date the list of World Conference members;
- organises, in co-operation with the Host Court, each Congress;
- assists the Bureau Presidency to represent the World Conference;
- keeps the World Conference's finances and reports on their use to the Bureau.

Article 5. Voting

Decisions in the General Assembly and the Bureau are made by consensus. Only if this is not possible, decisions are taken by two thirds majority of the members present, who are up to date with any financial contributions they are liable for (Article 6.2).

Article 6. Finances

(1) Members shall make a financial contribution for the organisation of the activities of the World Conference of between 200 and 2000 Euros per year. The General Assembly shall establish a scale of contributions, based on the United Nations' statistics on gross domestic product for the respective country. Members may make additional voluntary contributions.

(2) In duly justified cases, the Bureau may exempt a member from making a financial contribution (Article 4.b.7).

(3) With the approval of the Bureau, the World Conference may accept financial contributions from public bodies, governments and intergovernmental organisations. Such contributions shall be in conformity with the objectives of the World Conference and must not endanger its independence, in accordance with the guidelines adopted by the Bureau (Article 4.b.7). Such contributions shall be included in the financial report to the Bureau (Article 4.c.2).

(4) The Secretariat shall hold the World Conference's finances in a special account set up for the Conference in accordance with the Council of Europe's financial rules. The Secretariat shall present a financial report to the Bureau annually.

(5) No financial commitment shall be made without existing financial provision.

Article 7. Languages

(1) The present Statute is equally authentic in Arabic, English, French, German Portuguese, Russian and Spanish.

(2) Interpretation at the plenary sessions of the Congresses and meetings of the General Assembly shall be in the following languages: Arabic, English, French, German Portuguese, Russian and Spanish.

(3) The Secretariat shall correspond with the Bureau and the members of the World Conference in English and French.

(4) Bureau meetings are held in English and French. Interpretation into other languages may be provided at the requesting participants' expense.

Article 8. Statute amendments

The present Statute may be amended by the General Assembly by two thirds majority.

Article 9. Suspension and termination of membership

(1) In cases of flagrant violation by a member of the principles on which the World Conference is based (Article 1), the Bureau may submit a written proposal to the General Assembly for that member's suspension. Unless one third of the members object to this proposal within one month of notification having been sent, the suspension enters into force (Article 4.b.7).

(2) Each member may terminate its membership by giving the Secretariat written notification.

Article 10. Entry into force

The present statute enters into force on the written acceptance of the present Statute by at least 30 eligible Courts according to Article 2 from at least three regional or linguistic groups. Such written acceptance shall be communicated to the Secretariat of the Venice Commission, which shall notify the members of the Bureau.

Article 11. Dissolution

The World Conference may be dissolved by a decision of the General Assembly, or by the Bureau if the General Assembly does not meet for more than five years. Any remaining finances shall be distributed proportionally among the contributors.

Transitory provisions

(a) The Courts having contributed to the organisation of the 1st Congress of the World Conference on Constitutional Justice held in Cape Town (the South African, Lithuanian, Korean Constitutional Courts and the Algerian Constitutional Council) are members of the first composition of the Bureau until the election of three members of the Bureau by the General Assembly at the third Congress.

(b) The Bureau shall establish, following consultation with the members, a provisional scale of contributions pending a decision to be made by the General Assembly (Article 6.1).

Approved in Bucharest on 23 May 2011