



Strasbourg, 19 September 2022

CDL-WCCJ-GA(2022)004

3rd General Assembly of the World Conference on Constitutional Justice

**Bali, Indonesia
6 October 2022**

Draft Agenda

Chair: Mr Anwar USMAN, Chief Justice of the Constitutional Court of Indonesia

Note: According to Article 5 of the Statute, only members having paid their contribution may vote in the General Assembly. According to the applicable financial rules, payment in cash at the 5th Congress is not permitted.

1. Adoption of the agenda

2. Election of members of the Bureau

According to *Article 4.b.1 of the Statute*, The General Assembly is invited to elect four members of the Bureau from the continents of Africa, the Americas, Asia/Oceania and Europe. Members were invited to inform the Secretariat about their candidacy by 30 September 2022 at the latest. A list of candidates will be communicated to the members separately.

Article 4.b.1 of the Statute

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 of four Courts elected by the General Assembly from the continents of Africa, the Americas, Asia/Oceania and Europe, respectively. In determining whether a Court belongs to a given continent, regional group membership shall be taken into account. Only Courts from a given continent shall vote for the representative of that continent. A Court may be a candidate for one continent only.

3. Examination of the report of activities presented by the Bureau

The General Assembly is invited to take note of the report of activities of the Bureau, which the latter will have adopted at its meeting on 4 October 2022 (document CDL-WCCJ-GA(2022)005). The report will cover the period between the 4th and 5th Congress.

4. Revision of the scale of financial contributions

The General Assembly will be invited to adopt a draft revised scale of financial contributions (document CDL-WCCJ-GA(2022)006), taking into account the more recent Gross Domestic Product data from the United Nations. At its meeting on 4 October 2022, the Bureau will examine this draft scale of contributions and make a proposal for adoption by the Assembly

5. Proposal for an amendment of the Statute

The Constitutional Court of Lithuania proposes amending the Statute to introduce the possibility for the WCCJ to terminate and not only suspend the membership of a Member Court. The draft below amendment relates to Articles 4 and 9 of the Statute of the WCCJ. The General Assembly is invited to decide on this proposal:

Article 4. Organs

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a. General Assembly

(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 **or terminate the membership of** that member ~~on the basis of a proposal by the Bureau~~ (Article 9)

b. Bureau

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(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 **or termination of the membership** of a member (Article 9).

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),

(a) the Bureau may submit a written proposal to the General Assembly for ~~the that member's~~ suspension **or termination of that member's membership**. Unless one third of the members object to this proposal within one month of notification having been sent, the suspension **or termination of membership** enters into force (Article 4.b.7).

(b) one fifth of the members of the World Conference may make a written request to the General Assembly for the suspension or termination of a member's membership. That membership is suspended or terminated if the General Assembly agrees to the request

made with a two thirds majority, in a written procedure within one month from the notification of the request or at the General Assembly's meeting if the request is made less than three months before the meeting (Article 4.b.7).

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For reference - Article 9.1 current text:

(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).

[https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-WCCJ-GA\(2017\)010-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-WCCJ-GA(2017)010-e)

6. Other business