



**MINISTRY OF FOREIGN AFFAIRS,  
POLITICAL AFFAIRS, INTERNATIONAL ECONOMIC  
COOPERATION AND DIGITAL TRANSITION**



***Aspects of Constitutionalism in European small-sized States***

**Conference organised by the Ministry of Foreign Affairs of the Republic of San Marino and the Venice Commission under the auspices of the Secretary General of the Council of Europe, Mr Alain Berset**

Kursaal Congress Palace, San Marino, 14 October 2024



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## **Concept note**

The unique characteristics of European small-sized States, including their territory size, population, and systems of statehood, have attracted the special attention of constitutional and international law theorists and practitioners. The distinctiveness of these States offers a fertile ground for exploring the nuances of constitutionalism beyond the usual paradigms applicable to larger States.

Recognizing the importance and the unique challenges arising in this context, this international conference is designed to provide a forum for discussion between scholars, legal practitioners, and representatives from European small-sized States on the aspects of constitutionalism in small-sized European States.

The Venice Commission has analysed in opinions some important elements concerning the functioning of small-sized States, such as the separation of powers, and the design and functioning of State institutions, including the judicial systems. The first panel of the conference will further explore the constitutional aspects and challenges faced by European small-sized States. Special attention will be given to the electoral processes and their specifics in the context of the small-sized States.

The second panel will focus on the interaction between European small-sized States and Council of Europe monitoring and expert bodies. Representatives of GRECO, MONEYVAL, and CEPEJ will present their perspectives and experiences. The discussion will revolve around previous interaction and lessons learned, aiming to highlight good practices and areas for improvement in the governance and monitoring systems within the small-sized States.

The third panel will be dedicated to the implementation of the Council of Europe standards of judicial independence in small-sized States. It will provide reflections on the practical challenges and achievements in introducing and implementing judicial reforms aimed at safeguarding the independence and impartiality of judicial institutions in small-sized States. The role of superior courts in ensuring judicial independence will be an important point of discussion, highlighting their crucial role within the European small-sized State framework.



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## Programme

**From 09:00 Registration**

**10:00-10:30 Opening ceremony**

Mr Luca Beccari, Minister of Foreign Affairs, Political Affairs, International Economic Cooperation and Digital Transition;

Mr Stefano Canti, Minister of Justice, Welfare and Family;

Prof Gianni Buquicchio, President Emeritus, Special Representative of the Venice Commission;

Prof Giuseppe de Vergottini, Vice President of the Guarantors' Panel on the Constitutionality of Rules.

**10:30-11:00** Setting the scene: Introduction to aspects of constitutionalism of small-sized States in the context of European law, Prof Elisa Bertolini, Bocconi University, Legal Studies, Milan, Italy.

**11:00-11:15 Coffee Break**

**11:15-12:45 Panel I: Constitutional aspects of European small-sized States**

**Moderator:** Lawyer Giovanna Crescentini, Director of the State Institutional Secretariat – Department of Institutional Affairs and Justice

**Speakers:**

- Constitutional systems and Rule of Law in small-sized States, Mr Giovanni Canzio, Head of the National Court of the Republic of San Marino and First President Emeritus of the Italian Court of Cassation;
- The challenges of the constitutional systems in small-sized States – the case of Monaco, Mr Bertrand Mathieu, Emeritus Professor, Faculty of Law, Sorbonne-University Paris I and member of the Venice Commission in respect of Monaco;
- Elections in small-sized States – aspects of participatory democracy – with a focus on Andorra, Mr Pere Vilanova Trias, Emeritus Professor of Political Science and Constitutional Law, University of Barcelona and member of the Venice Commission in respect of Andorra.

**12:45-14.00 Lunch**



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#### **14.00-15:15 Panel II: The Interaction between European small-sized States and the Council of Europe Monitoring and Expert Bodies**

**Moderator:** Amb. Federica Bigi, Director of Political and Diplomatic Affairs – Department of Foreign Affairs

**Speakers:**

- European small-sized States from the perspective of MONEYVAL, Mr Nicola Muccioli, President of MONEYVAL;
- The experience of GRECO concerning European small-sized States, Ms Panagiota Vatikidou, GRECO Bureau member;
- The interactions between CEPEJ and European small-sized States, Mr Francesco Depasquale, President of CEPEJ.

15:15-15:30 Coffee Break

**15:30-15:45** Greeting speech by Sen. Lawyer Francesco Paolo Sisto, Deputy Minister of Justice of the Italian Republic

#### **15:45-17:15 Panel III: The Implementation of the Council of Europe Standards of Judicial Independence by European small-sized States**

**Moderator:** Prof Paolo Pascucci, Director of the Legal Institute of the University of the Republic of San Marino;

**Speakers:**

- Introducing and implementing judicial reforms in small-sized States – the case of San Marino Mr Fabio Giovagnoli, Judge and Deputy Head of the National Court of the Republic of San Marino and member of the Venice Commission in respect of San Marino;
- The role of superior courts in ensuring judicial independence in European small-sized States – with a focus on Liechtenstein, Dr Hilmar Hoch, President of the Constitutional Court of Liechtenstein;
- Safeguarding the independence and impartiality of judicial institutions in small-sized States – the case of Malta, Dr Michael Frendo, Former Speaker of the House of Representatives, and member of the Venice Commission in respect of Malta.

#### **17:15-17:45 Wrap-up of the Conference and closing ceremony**

**Speakers:** Prof.ssa Elisa Bertolini, Prof. Giuseppe de Vergottini, and Prof. Gianni Buquicchio