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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**Workshop on
“Principles of constitutional control,
techniques of constitutional and statutory interpretation”**

Kyiv, Ukraine, 5-6 June 1998

S Y N O P S I S

In co-operation with the Constitutional Court of Ukraine and ARD/CHECCHI (founded by USAID), the Venice Commission held a workshop on “Principles of constitutional control, techniques of constitutional and statutory interpretation” in Kyiv on 5 and 6 June 1998.

The workshop programme enabled the participants to consider the theoretical principles of constitutional control, as well as interpretation techniques. An excellent presentation of practice and outstanding issues in Ukraine by Mr Kozyubra, judge at the Ukrainian Constitutional Court, was followed, by way of introduction, by a general presentation of constitutional control theories and techniques in Europe by Prof. Arnaiz.

The participants were most interested to hear the experience of a newly established Constitutional Court, from Mr Endzins, President of the Latvian Constitutional Court, and that of an older court, in the more specific contribution which Mr Pinelli gave on the Italian system.

The American speakers (Mr Morse, Judge at Vermont Supreme Court, and Ms Merrit, Professor of law at Ohio University) gave their views on the choice of techniques by describing those adopted by the United States Supreme Court and the State Supreme Courts, and also discussed the various interests that always have to be weighed up in constitutional controls, as well as the different theories of interpretation techniques.

The reports gave rise to lengthy discussions involving both the invited experts and the participants, and produced legal debate of a high quality.

In addition, the discussions went beyond the specific topic of the workshop and touched on some of the Ukrainian Constitutional Court's current concerns regarding its place in the Ukrainian legal order, the authority of its decisions and the enforcement of the judgments of Constitutional Courts, an issue that had been the subject of a workshop organised by the Venice Commission in Tbilisi in November 1997, which had been attended by several representatives of the Ukrainian Constitutional Court.

During the workshop in Kyiv, the Venice Commission reiterated its willingness to organise further workshops at the request of the Constitutional Court, possibly in co-operation with ARD/CHECCHI. The questions of Ombudsmen and their relationship with Constitutional Courts and the implementation by Constitutional Courts of human rights set out in international treaties were mentioned, and could possibly be the subject of meetings in the near future.