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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**Seminar on the Role of the Constitutional Court
in the Implementation of International Law**

7-8 October 1998 – Lviv, Ukraine

SYNOPSIS

28/10/98

Title of activity/titre de l'activité

Seminar on the Role of the Constitutional Court
in the Implementation of International Law

Field of activity/Domaine d'activité:

Constitutional Justice – Venice Commission

Constitutional Law / Co-operation with Constitutional Courts

Type of activity/Type d'activité: Seminar

Programme: EC/CoE Joint programme – UKR.III.B.6

Country/pays: Ukraine

Date and place/Date et lieu: 7-8 October 1998 – Lviv University, Ukraine

**CoE experts (incl national experts)/
Experts du CdE (y inclus experts nationaux):**

Mr Godert MAAS GEESTERANUS, Former Legal Adviser to the Minister of Foreign Affairs, Netherlands, Member of the Venice Commission
Mr Fred L. MORRISON, Popham Haik/Lindquist & Vennum Professor, University of Minnesota Law School (ARD/Checchi Rule of Law Consortium)
Judge Petro F. MARTYNENKO, Constitutional Court of Ukraine
Judge Lech GARLICKI, Constitutional Tribunal of Poland
Professor NORR, Dean of Law Faculty of Lviv University
Mr Rait MARUSTE, Judge of the European Court of Human Rights, Former Chief Justice, Supreme Court, Estonia
Prof. Mikhail KOSTITSKIJ, Judge of Constitutional Court of Ukraine
Mr Vitaly OPRYSKO, Director of the Legislative Institute of the Parliament
Mr Vasil REPETSKIJ, Head of Dept. of International Law, Lviv University
Mr Svetlana KRAVCHENKO, Professor, Lviv University; UNESCO expert
Mr German GALUSHCHENKO, Chief Consultant of the Dept. for International Organizations and Int. Legal Issues of the Presidential Administration

CoE Secretariat/Sécrétariat du Cde:

Schnutz Rudolf DÜRR, Administrator, Venice Commission

Participants (role/capacity/rôle/qualité):

Mr Vitaly ROZENKO, Deputy Chairman, Constitutional Court of Ukraine
Mr Mikhail GLADYJ, Deputy Head of Lviv Oblast Administration
Mr Robert BAYER, USAID - ARD/Checchi Rule of Law Consortium, Kyiv
Mr Charles MAGEE, Head of Mission, OSCE, Kyiv

Constitutional Court, Supreme Court, Court of Arbitration, Parliament, Presidential Administration, Universities of Lviv, Kyiv, Charkiv, Lviv Regional Administration.

**Total number of participants/
Nombre total de participants:** 45

**Partner institutions/organisations/
Institutions/organisations partenaires:**

Constitutional Court of Ukraine, USAID - ARD/Checci Rule of Law of Consortium, OSCE

**Origin/reference to other activities/
Origines/référence à d'autres activités:**

This workshop was held as part of the Joint Programme between the European Commission and the Council of Europe for reform of the legal system and local government and the transformation of the law enforcement system in Ukraine. Following a request from the Constitutional Court of Ukraine, the Venice Commission, which has a programme for co-operation with constitutional courts (CoCoSem), organised this meeting on a theme chosen by the Constitutional Court.

Objectives/Objectifs:

Highlighting the importance of international law for the interpretation of national constitutional law.

General evaluation/Evaluation générale:

The Workshop permitted to hold an open exchange of opinions between Ukrainian Institutions (Constitutional Court, Parliament, Presidential Office, university scholars) and the external experts concerning ways of harmonising national laws of the Ukraine with its international obligations.

Participants pointed out that the lack of publication in the Ukrainian language of several treaties to which Ukraine had become a party, and insufficient knowledge by ordinary judges about the existence of such treaties and their direct applicability, represent serious obstacles to such harmonisation.

A need for training for judges was identified as a solution to this problem.

**Results/conclusions/
Résultats/conclusions:**

It was pointed out that even existing national legislation was not always applied. The direct application of international law could not reasonably be expected under such circumstances. Nevertheless, the awareness of international law and in particular, of the European Convention on Human Rights had significantly risen in Ukraine.

While much progress on this issue could be observed, the participants agreed on the need to further incorporate international law into the domestic legal sphere, the Constitutional Court having a major role to play in this process. The importance of the assistance of international organisations in this process was underlined.